

CHAPTER 10-03. USE REGULATIONS**DIVISION 10-03-001. PURPOSE****10-03-001-0001.PURPOSE:****10-03-001-0002. PERMITTED USES:****10-03-001-0003.TABLE OF PERMITTED USES****10-03-001-0004.PERMITTED USES IN RESOURCE PROTECTED AREAS OR OPEN SPACE:****DIVISION 10-03-002. USE CATEGORIES DEFINED****10-03-002-0001. USE CATEGORIES DEFINED:****10-03-002-0002. RANCHING AND FORESTRY USES:****10-03-002-0003.RESIDENTIAL USES:****10-03-002-0004.INSTITUTIONAL USES:****10-03-002-0005.COMMERCIAL USES:****10-03-002-0006. INDUSTRIAL USES:****DIVISION 10-03-003. CONDITIONAL USES****10-03-003-0001. CONDITIONAL USES:****10-03-003-0002.STANDARDS FOR SELECTED CONDITIONAL USES:****DIVISION 10-03-004. TEMPORARY USES****10-03-004-0001.TEMPORARY USES:****DIVISION 10-03-005. ACCESSORY USE REGULATIONS****10-03-005-0001.ACCESSORY USE REGULATIONS:****DIVISION 10-03-006. DETAILED USE REGULATIONS****10-03-006-0001.DETAILED USE REGULATIONS:****DIVISION 10-03-007. USES NOT PERMITTED WITHIN CORPORATE LIMITS****10-03-007-0001.USES NOT PERMITTED WITHIN CORPORATE LIMITS.****DIVISION 10-03-008. USES IN THE AIRPORT OVERLAY DISTRICT (AO)****10-03-008-0001. ESTABLISHMENT OF AIRPORT NOISE IMPACT AREAS AND CLEAR ZONE AREAS:****10-03-008-0002.USES AND NOISE LEVEL REDUCTION:****DIVISION 10-03-009. PULLIAM AIRPORT AREA HEIGHT LIMITATIONS****10-03-009-0001.PULLIAM AIRPORT AREA HEIGHT LIMITATIONS:****10-03-009-0002.PULLIAM AIRPORT AVIGATION AREA ZONE AND AVIGATION EASEMENT POLICY:*****DIVISION 10-03-001. PURPOSE*****10-03-001-0001. PURPOSE:**

- A. The purpose of this Division is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made for uses which may locate in a given district only upon obtaining a Conditional Use Permit or a Temporary Use Permit to do so. There is also a distinction for locating temporary land uses which is discussed in Division 10-03-004. Sections 10-03-001-0002 through 10-03-002-0006 pertain only to the new districts, unless otherwise noted; all other sections pertain to all districts unless otherwise noted. The uses generally described in Sections 10-03-001-0003 through 10-03-001-0004 are specifically listed in Division 10-03-002. Sections 10-03-001-0003 through 10-03-002-0006 specify which uses are permitted in each zoning district and define the use categories used in this Ordinance. (Ord.1997, 6-15-99)
- B. Undeveloped areas within previously adopted Specific Plan Areas, such as Woodlands Village, Canyon Del Rio, or Fairfield Flagstaff, as mapped on the Zoning Map, shall be governed by the use regulations of Table 10-03-001-0003 and the provisions of Chapter 10-04 shall apply. If conditional zoning is also applicable per approved subdivision plat, the more restrictive standard will apply. See Section 10-01-004-0001, Applicability. (Ord. 1997, 6-15-99)

10-03-001-0002. PERMITTED USES:

- A. The uses permitted in each district are specifically designated in Sections 10-03-001-0003 and 10-03-001-0004. Other than by zoning change, no use which is expressly prohibited shall be permitted in a district. The Planning Director, however, shall have the discretion to permit uses which are not specifically listed but are similar to uses that are expressly permitted in Section 10-03-001-0003. This authority for discretion to permit uses not specifically listed applies to the established "E" Districts as well as the new Districts. (Ord. 1997, 6-15-99)
- B. No interpretation shall authorize any use in a zoning district unless the Planning Director determines that the use is substantially similar to a use specified as an authorized use or conditional use in that district. No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in these regulations.

No interpretation shall have the effect of changing zoning on a parcel of land. Uses permitted in the established 'E' Districts are outlined in Division 10-02-005.

10-03-001-0003

**10-03-001-0003. TABLE OF PERMITTED USES:
USES PERMITTED BY RIGHT, USES PERMITTED WITH CONDITIONAL USE PERMITS,
AND USES NOT PERMITTED:**

A. Rural and Residential Districts

DISTRICTS											
General Use		Rural			Residential						
		RR	PL	PLF	ER	SR	R1	UR	MR	HR	MH
Ranching & Forestry											
A.	Ranching	Y!	N	Y!	N	N	N	N	N	N	N
B.	Forestry	N	N	Y*	N	N	N	N	N	N	N
C.	Nurseries	N	N	N	N	N	N	N	N	N	N
Residential											
A.	Single-Family	Y	N	N	Y	Y	Y	Y	N ¹	N ¹	Y
B.	Cluster	Y	N	N	Y	Y	N	N	N	N	N
C.	Planned	Y	N	N	Y	Y	Y	Y!	Y!	Y!	Y
D.	Manufac. Home										
	Parks & Subdiv.	N	N	N	N	N	N	N	N	N	Y
E.	Commercial Apts.	N	N	N	N	N	N	N	N	N	N
F.	Fraternities, Sororities	N	N	N	N	N	N	N	N	C!	N
G.	Small Unit										
	Single-Family	N	N	N	N	N	Y!	Y!	N	N	N
Institutional											
A.	Outdoor Public Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Neighborhood Indoor										
	Uses	C!	C!	N	C!	C!	C!	C!	C!	C!	C!
C.	Regional Indoor										
	Uses	C!	C!	N	N	N	N	C!	C!	C!	C!
D.	Institutional										
	Residential	N	C	N	C	C	C	C	C	C	C
E.	Public Service	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
F.	Universities	N	Y	N	N	N	N	N	N	N	N
Commercial											
A.	Office	N	N	N	N	N	N	N	N	N	N
B.	Commercial Retail	N	N	N	N	N	N	N	N	N	N
C.	Heavy Retail/Service	N	N	N	N	N	N	N	N	N	N
D.	Services	N	N	N	N	N	N	N	N	N	N
E.	Restaurant	N	N	N	N	N	N	N	N	N	N

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10-03-001-0003. TABLE OF PERMITTED USES (continued)

		DISTRICTS									
General Use		Rural			Residential						
		RR	PL	PLF	ER	SR	R1	UR	MR	HR	MH
Commercial (cont'd)											
F.	Drive-in Facility	N	N	N	N	N	N	N	N	N	N
G.	Commercial Lodging	N	N	N	N	N	N	N	N	N	N
H.	Bed & Breakfast	Y!	N	N	Y!	Y!	Y!	Y!	Y!	Y!	N
I.	Airports, Landing Strips & Heliports	N	C*	N	N	N	N	N	N	N	N
J.	Home Occupations	Y!	N	N	Y!	Y!	Y!	Y!	Y!	Y!	Y!
K.	Commercial Camp Grounds	C*	C*	N	N	N	N	N	N	N	C*
L.	Telecommunication Facilities (Ord. 1974)	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
M.	Outdoor Commercial Recreation	N	C	C	N	N	N	N	N	N	N
N.	Indoor Commercial Recreation	N	C	N	N	N	N	N	N	N	N
O.	Adult Entertainment	N	N	N	N	N	N	N	N	N	N
P.	Mixed Use	N	N	N	N	N	N	N	N	N	N
Industrial											
A.	Business Parks	N	N	N	N	N	N	N	N	N	N
B.	Light Industry	N	N	N	N	N	N	N	N	N	N
C.	Heavy Industry	N	N	N	N	N	N	N	N	N	N
D.	Extraction and Disposal	N	C*	N	N	N	N	N	N	N	N
Temporary Uses					See Division 10-03-004						
Accessory Uses					See Division 10-03-005						

Y= Permitted by right in this district.

N= Not permitted in this district.

C= Permitted in this district only upon approval of Conditional Use Permit (Division 10-03-003 and Chapter 10-10).

!= Refer to Division 10-03-006 for additional standards (for Detailed Use Regulations).

*= Refer to Section 10-03-003-0002 for additional standards (for Selected Conditional Uses).

¹ = Existing single-family uses and lots recorded in the MR and HR Districts, prior to the effective date of this Ordinance, December 19, 2002, are considered legal, conforming uses, subject to the Bulk Standards listed for the RB, Residential Business District, in Table 10-05-002-0001. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)

10-03-001-0003. TABLE OF PERMITTED USES (continued)

B. Non-residential Districts

DISTRICTS									
General Use		Commercial			Industrial				
		SC	UC	RB	BP	BPI	LI	HI	AO
Ranching & Forestry									
A.	Ranching	N	N	N	N	N	N	N	X
B.	Forestry	N	N	N	N	N	N	N	X
C.	Nurseries	C	Y	N	N	N	Y	N	X
Residential									
A.	Single-Family	N	N	Y	N	N	N	N	X
B.	Cluster	N	N	N	N	N	N	N	X
C.	Planned	N	C ¹	C ¹	N	N	N	N	X
D.	Manufac. Home Parks & Subdiv.	N	N	N	N	N	N	N	X
E.	Commercial Apts.	Y!	Y!	Y!	N	N	C!	N	X
F.	Fraternities, Sororities	N	N	C!	N	N	N	N	X
G.	Small Unit Single-Family	N	Y!	N	N	N	N	N	X
Institutional									
A.	Outdoor Public Uses	Y	Y	Y	C	C	C	C	X
B.	Neighborhood Indoor Uses	Y!	Y!	Y!	C!	C!	N	N	X
C.	Regional Indoor Uses	Y!	Y!	Y!	C!	C!	N	N	X
D.	Institutional Residential	C	C	C	N	N	N	N	X
E.	Public Service	C*	C*	C*	C*	C*	C*	C*	X
F.	Universities	N	N	N	N	N	N	N	X
Commercial									
A.	Office	Y	Y	Y	Y	Y	Y	C	X
B.	Commercial Retail	Y!	Y!	N	N	N!	Y! ²	Y!	X
C.	Heavy Retail/ Service	C!	Y!	N	N	N	Y!	Y!	X
D.	Services	Y	Y	Y	Y!	Y!	Y	N	X
E.	Restaurant	Y	Y	Y	Y!	Y!	Y	Y	X

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10-03-001-0003. TABLE OF PERMITTED USES (continued)

General Use		DISTRICTS							
		Commercial			Industrial				
		SC	UC	RB	BP	BPI	LI	HI	AO
Commercial (cont'd)									
F.	Drive-In Facility	Y	Y	N	N	N	Y	N	X
G.	Commercial Lodging	C	Y	N	Y!	Y!	Y	N	X
H.	Bed & Breakfast	N	N	N	N	N	N	N	X
I.	Airports, Landing Strips & Heliports	N	N	N	N	N	N	N	X
J.	Home Occupations	N	N	Y!	N	N	N	N	X
K.	Commercial Camp Grounds	C*	N	N	N	N	N	N	X
L.	Telecommunication Facilities (Ord. 1974)	C*	C*	C*	C*	C*	C*	C*	X
M.	Outdoor Commercial Recreation	N	C	N	N	N	N	N	X
N.	Indoor Commercial Recreation	Y	Y	N	N	N	N	N	X
O.	Adult Entertainment	N	C*	N	N	N	N	N	X
P.	Mixed Use	Y	Y	C	N	N	N	N	X
O.	Veterinary Services for Pets	C	C	C	C	C	C	C	X
R.	Veterinary Hospitals & Animal Shelters	N	N	N	N	N	C	C	X
Industrial									
A.	Business Parks	N	N	N	Y!	Y!	Y!	N	X
B.	Light Industry	N	N	N	N	Y/C ³	Y!	Y!	X
C.	Heavy Industry	N	N	N	N	N	N	Y	X
D.	Extraction and Disposal	N	N	N	N	N	N	C*	X
Temporary Uses									See Division 10-03-004
Accessory Uses									See Division 10-03-005

Y= Permitted by right in this district.

N= Not permitted in this district.

C= Permitted in this district only upon approval of Conditional Use Permit (Division 10-03-003 and Chapter 10-10).

X= As per underlying basic use district requirements and the "Land Use Compatibility Guidelines" set forth in Table 10-03-008-0002.

!= Refer to Division 10-03-006 for additional standards (for Detailed Use Regulations).

*= Refers to Section 10-03-003-0002 for additional standards (for Selected Conditional Uses).

¹= Use Residential Performance Standards of HR District (Table 10-04-002-0003).²= Use UC District Protection Factors for Resource Protection (Table 10-04-004-0004) (Ord. 2000-08, 6/6/00)³= Refer to Section 10-03-002-0006 for permitted or conditional light industrial uses.

(Ord. 1997, 6-15-99) (Ord. 2000-08, 06-06-00) (Ord. 2001-13, 07-17-01) (Ord. 2002-15, 11-05-02)

10-03-001-0004. PERMITTED USES IN RESOURCE PROTECTED AREAS OR OPEN SPACE:

Resource protected areas are areas containing fragile natural features such as forests, floodplains, steep slopes, and open space that can be adversely impacted by development. In all districts it is possible that areas must be set aside as open space for resource protection or to meet the minimum requirements of Chapter 10-04. Where such open space is required, and where the use is also permitted by the district zoning, Section 10-03-001-0003, then the table below shall control.

**TABLE 10-03-001-0004
TYPE OF RESOURCE PROTECTED AREAS OR OPEN SPACE**

Unrestricted General Use	Floodplain			Steep	Open
	Forest	Rural	Urban	Slopes	Space
A. Ranching					
1. Fields or Pasture	N	Y	Y	N	Y
2. Livestock Enclosure	C!	N	N	N	C!
3. Nurseries	N	Y	Y	N	N
4. Bee Keeping	Y	Y	C	N	N
B. Recreational					
1. Active Recreation	N	Y	Y	N	Y
2. Garden Plots	N	Y	Y	N	Y
3. Passive Rec.	Y	Y	Y	Y	Y
4. Picnic Area	Y	Y	Y	N	Y
C. Other					
1. Drainage	N	Y	Y	N	C
2. Bufferyard	Y*	Y*	Y*	Y*	Y*

Y = Permitted by right.

N = Not permitted.

C = Permitted only upon approval of a Conditional Use Permit (Division 10-03-003 and Chapter 10-10).

* = Refer to Division 10-06-003 for additional standards.

! = Refer to Division 10-03-006 for additional standards.

Note: All definitions of Floodplain Rural, Floodplain Urban, and Open Space are contained in Chapter 10-14, Definitions.

DIVISION 10-03-002. USE CATEGORIES DEFINED**10-03-002-0001. USE CATEGORIES DEFINED:**

The categories of use defined by this Ordinance are set forth in this Division. Uses described with reference to a SIC (Standard Industrial Classification) number are based upon the publication titled Standard Industrial Classification Manual (Executive Office of the President, Office of Management and Budget, Most Recent Edition). The uses not enumerated in this Division are not necessarily excluded. Section 10-03-001-0002 empowers the Planning Director to make interpretations of use.

10-03-002-0002. RANCHING AND FORESTRY USES:

- A. RANCHING. This use includes ranching and other agricultural uses. The raising of horses and other animals for personal, non-commercial use is not considered a ranching use, but rather an accessory use in Districts where permitted. See Section 10-03-005-0001, Accessory Use Regulations, as well as Title 6 (Police Regulations) of the Flagstaff City Code. (Ord. 1997, 6-15-99)
- B. FORESTRY. This use is limited to logging operations as managed by the United States Forest Service and the Arizona State Land Department under their respective jurisdictions.
- C. NURSERIES. This category includes plant nurseries with or without retail sales or greenhouses.

10-03-002-0003. RESIDENTIAL USES:

- A. SINGLE-FAMILY. Single-family residential uses include all single-family detached dwelling units built on lots, at one (1) unit per lot unless the Zoning District provides for additional units. (Ord. 1997, 6-15-99)
- B. CLUSTER. Single-family residential uses that include, as part of the subdivision design, common open space meeting the provisions of Section 10-04-002-0003. The Cluster option provides for one (1) unit per lot. (Ord. 1997, 6-15-99)
- C. PLANNED. A development that consists of one (1) or more of the following housing types: single lot line houses, village houses, duplex/triplex houses, patio houses, z-lot houses, twin houses, atrium houses, townhouses, weak-link townhouses, deck town houses, terrace houses, multiplexes, and apartments. The types mentioned here and in Chapter 10-05 are only suggested housing options. Other housing types will also be considered as part of an integrated site planning process, subject to approval by the Planning Director. Such developments shall be planned as a unit and shall meet all the open space provisions of Section 10-04-002-0003. (Ord. 1997, 6-15-99)
- D. MANUFACTURED HOME PARK AND SUBDIVISION. A manufactured home park is a planned development containing manufactured home lots for sale or for rent. Such a facility shall meet all requirements for manufactured home parks listed in Section 10-04-002-0003 and Division 10-05-003.
- E. COMMERCIAL APARTMENT. A commercial apartment is a dwelling unit located above or below (i.e. hillside basement) the first floor of a commercial building, and is limited to one (1) or two (2) stories immediately above or below the commercial use, for a maximum of three (3) stories. Standards for commercial apartments are in Section 10-03-006-0001.E. (Ord. 1997, 6-15-99)
- F. FRATERNITIES AND SORORITIES. Group living facilities owned by an organization of university or college students or their parent organizations for housing members while enrolled in the school, and recognized as student groups by the Dean of Students of Northern Arizona University. Standards for fraternities and sororities are in Section 10-03-006-0001.L. (Ord. 1997, 6-15-99)
- G. SMALL UNIT SINGLE-FAMILY. This is a small attached or detached dwelling unit limited to a single bedroom, a limited maximum floor area, and designed for occupation by no more than two (2) people. Small Unit Single-Family developments are infill developments. Standards for this use are in Section 10-03-006-0001. (Ord. 1997, 6-15-99)

10-03-002-0004. INSTITUTIONAL USES:

- A. **OUTDOOR PUBLIC USES.** Outdoor recreational uses include public areas for active recreational activities including, but not limited to, jogging, cycling, totlots, playing fields, playgrounds, outdoor swimming pools, tennis courts, public campgrounds, and golf courses. Also included are recreational uses such as arboretums, areas for hiking, nature areas, wildlife sanctuaries, picnic areas, garden plots, recreation-oriented parks, and other open spaces such as youth recreation camps. Cemeteries, with or without caretaker residences are also considered outdoor public uses.
- B. **NEIGHBORHOOD INDOOR USES.** These uses include churches, neighborhood community or recreational centers, day care centers (day or nursery schools), gymnasiums, branch libraries, indoor recreational centers, public or private schools, indoor swimming pools, tennis, racquetball, handball courts, and similar indoor institutional uses. (Standard Industrial Classification-SIC 7991, 8211, 8231, 8351, and 866)
- C. **REGIONAL INDOOR USES.** These uses include aquariums, churches, conference centers, community or recreational centers, day care centers (day or nursery schools), crematories, gymnasiums, libraries or museums, observatories, hospitals, indoor recreational centers, public or private schools (including trade schools), community colleges, indoor skating rinks (ice or roller), indoor swimming pools, tennis, racquetball, handball courts, and all other indoor institutional uses. (SIC 79, 806, 82, 83 except 836, and 86) (Ord. 2002-15, 11-05-02)
- D. **INSTITUTIONAL RESIDENTIAL.** These uses include convents or monasteries, nursing homes, protective living facilities, boarding/rooming houses, and sheltered care homes. (SIC 805, 808, 836)
- E. **PUBLIC SERVICE.** These uses include emergency service, buildings or garages (e.g., ambulance, fire, police, rescue), utility substations or transmission and distribution facilities; and all government-owned facilities except offices, landfills or mining facilities. (SIC 92-97) (Ord. 2002-15, 11-05-02)
- F. **UNIVERSITIES.** Includes universities, colleges, and other institutions of higher learning.

10-03-002-0005. COMMERCIAL USES:

- A. **OFFICE.** Office uses include:
- Arrangement of passenger transportation (SIC 472)
 - Banking and other credit agencies (offices only) (SIC 60,61)
 - Security, commodity brokers and services (SIC 62)
 - Insurance carriers (SIC 63, 64, & 66)
 - Real estate (SIC 65 & 66)
 - Holding and other investments (SIC 67)
 - Business services (SIC 73)
 - Health services (SIC 801-804, 807 & 809)
 - Legal services (SIC 81)
 - Social services (SIC 83) (except care facilities—SIC 835-836)
 - Membership organizations (SIC 86)
 - Miscellaneous services (SIC 89)
 - Engineering and management services (SIC 87)
 - Government Offices (SIC 91, 93-96) (Ord. 2002-15, 11-05-02)
- B. **COMMERCIAL RETAIL.** These uses include the following retail uses:
- Building supplies (SIC 521-526, Ord. 2000-08, 6/6/00))
 - General merchandise stores (SIC 53)
 - Food stores (SIC 54)
 - Automobile service stations(SIC 5541, except truck stops) (See Division 10-03-006.) (Ord. 1741, 3-17-92)
 - Apparel and accessory stores (SIC 56)

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Furniture and home furnishings stores (SIC 57)
Greenhouses (retail) and greenhouses with garden supplies (SIC 526)
Miscellaneous retail (SIC 59) except fuel dealers (SIC 598)
Outdoor Display

- C. **HEAVY RETAIL AND HEAVY SERVICES.** All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products that would be considered as industrial or heavy industrial shall be prohibited in this use. For example, while auto or engine repair is permitted, the storage and disassembly of vehicles and the re-assembly of various parts are considered manufacturing (heavy industry). Junkyards as well are considered heavy industry. These are retail and/or service activities that have large amounts of exterior service or storage areas or partially enclosed structures as listed below. (See Section 10-03-006-0001.B.)

Automobile dealers (SIC 55)
Automotive repair (SIC 75) except top, body, and upholstery repair shops and paint shops (SIC 7532) and tire retreading and repair shops (SIC 7534) (Ord. 1741, 3-17-92)
Automotive Services (SIC 754) except wrecking or towing storage yards (SIC 7549) (Ord. 1741, 3-17-92)
Mobile home or manufactured housing dealers with mobile home sales office (SIC 527)
Commercial parking lots (SIC 752)
Auto/truck rental/lease (SIC 751)

- D. **SERVICES.** These uses include a wide variety of personal and commercial services. This category does not include those services serving customers in vehicles, such as a drive-up banking facility.

Commercial services (SIC 60-61)
Personal services (SIC 72)
Miscellaneous repair services (SIC 76) excluding welding repair and truck repair (SIC 7699).

- E. **RESTAURANTS.** These uses include all establishments primarily oriented to the serving of food and/or beverages (including alcoholic beverages). This category does not include those restaurants serving to customers in vehicles. (SIC 58)

- F. **DRIVE-IN FACILITIES.** These uses include all establishments providing service to customers in vehicles. These uses include drive-in restaurants, drive-up restaurants, drive-up banking facilities and other uses with drive-up windows.

- G. **COMMERCIAL LODGING.** Hotels, motels, and convention centers. (SIC 701 & 704)

- H. **BED AND BREAKFAST ESTABLISHMENTS.** As defined in Chapter 10-14 of this Ordinance.

- I. **AIRPORTS, LANDING STRIPS AND HELIPORTS.** This use includes all airports as well as landing strips and heliports (SIC 45), including those for private use and including those used by ultra-light aircraft. (See Section 10-03-003-0002 and Division 10-03-008)

- J. **HOME OCCUPATIONS.** Any occupation which is customarily, in whole or in part, conducted in a residence, which does not change the essential character of the residential use, may be conducted in any dwelling unit provided that all of the criteria set forth in Division 10-03-006 for "Home Occupations" are met.

- K. **CAMPGROUNDS.** This category includes camps, recreational vehicle parks, campsites, tents, and trailer parks. (SIC 703) (See Section 10-03-003-0002)

- L. **COMMERCIAL COMMUNICATION TOWERS.** Radio or TV broadcasting towers, telecommunications towers, antenna arrays (satellite dishes). (See Section 10-03-003-0002 and Division 10-03-008)

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- M. **OUTDOOR COMMERCIAL RECREATION.** These uses include all golf driving ranges, outdoor commercial amusement facilities including but not limited to outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusements parks, go-cart establishments, miniature golf establishments, ice and roller skating rinks, water slides, batting cages, archery ranges, pistol ranges, and shooting ranges. (SIC 79)
- N. **INDOOR COMMERCIAL RECREATION.** These uses include all indoor commercial amusement facilities (except "Adult Entertainment" uses) including but not limited to bowling alleys, indoor sports arenas, physical fitness facilities, movie theaters, video arcades, and pool arcades. (SIC 78, and SIC 79)
- O. **ADULT ENTERTAINMENT.** These uses include adult bookstores, adult cinemas, adult hotels or motels, and cabarets as defined by this Ordinance. (See Section 10-03-003-0002)
- P. **MIXED USE.** These require two or three principal uses to be contained in a single structure. The following uses are uses appropriate for a mixed use structure. Commercial apartments or apartment buildings (Section 10-05-003-0001), Indoor Uses, Offices, Commercial Lodging, Retail (includes commercial retail, heavy retail, services, restaurants), and Indoor Commercial Recreation. See Section 10-04-002-0004 for additional standards.
- Q. **VETERINARY SERVICES FOR PETS.** These uses include services for pets and animal specialties, including veterinary clinics, but not hospitals, kennels or animal shelters. (SIC 0742) (Ord. 2002-15, 11-05-02)
- R. **OTHER ANIMAL SPECIALTY SERVICES.** These uses include veterinary hospitals, boarding kennels, and animal shelters. (SIC 0742, 0752) (Ord. 2002-15, 11-05-02)

10-03-002-0006. INDUSTRIAL USES:

- A. **BUSINESS PARK USES.** This use category includes research and production, certain light industry and office uses:
- Apparel and other finished products made from fabrics and similar materials. (SIC 23)
 - Furniture and fixtures (SIC 25)
 - Printing, publishing, and allied industries (SIC 27)
 - Drugs (SIC 283)
 - Leather and leather products (SIC 31) (except tanning and finishing, SIC 311)
 - Computer and office equipment (SIC 357)
 - Electronic and other electrical equipment and components (SIC 36)
 - Measuring, analyzing and controlling instruments; photographic, medical and optical goods, watches and clocks (SIC 38)
 - Musical instruments and sporting/athletic goods manufacturing (SIC 393 & 394)
 - United States Postal Service (SIC 43)
 - Transportation by air (SIC 45) (excluding airports, flying fields, and airport terminal services, SIC 458)
 - Arrangement of passenger transportation (SIC 472)
 - Arrangement of transportation of freight and cargo (SIC 473)
 - Communications (SIC 48)
 - Office Uses (See Section 10-03-002-0005.)
 - Passenger car rental (SIC 7514)
 - Passenger car leasing (SIC 7515)
 - Motion picture production and allied services (SIC 781)
 - Research, development and testing services (SIC 873)
 - Space research and technology (SIC 966)
 - Auxiliary Establishments (SIC Auxiliary Code numbers 1 and 2) (Ord. 1741, 3-17-92)

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- B. **BUSINESS PARK INTERMEDIATE USES.** This use category includes research and production, most light industrial uses and office uses.

All Business Park Uses listed in "A" above.

Food products including liquor distributors (SIC 20, SIC 5921) (except meat products SIC 201, 2077, & 2082-2085)*

Textiles and apparel (SIC 22 & 23)

Lumber and wood products (SIC 24)*

Furniture and fixtures (SIC 25)

Paper products (SIC 26) (except mills SIC 261, 262, 263)

Printing and publishing (SIC 27)

Drugs (SIC 283)

Leather and leather products (SIC 31) (except tanning and finishing SIC 311)

Fabricated metal (SIC 34)

Office and computing machines (SIC 357)

Electric and electronic equipment (SIC 36) (except electronic distribution and electrical industrial. SIC 361 & 362)

Instruments and related products (SIC 38)

Miscellaneous manufacturing industries (SIC 39)

Local and interurban passenger transit (SIC 41)

Transportation services (SIC 47)

Communications (SIC 48)

* = Requires a Conditional Use Permit (Ord. 2002-15, 11-05-02)

- C. **LIGHT INDUSTRY.** This use includes manufacturing, storage transportation, construction, repair and wholesale uses including:

General building contractors (SIC 15)

Special trade contractors (SIC 17)

Food products including liquor distributors (SIC 20, SIC 5921) (except meat products SIC 201, 2077, & 2082-2085)

Textiles and apparel (SIC 22 & 23)

Lumber and wood products (SIC 24)

Furniture and fixtures (SIC 25)

Paper products (SIC 26) (except mills SIC 261, 262, 263)

Printing and publishing (SIC 27)

Drugs (SIC 283)

Leather and leather products (SIC 31) (except tanning and finishing SIC 311)

Fabricated metal (SIC 34)

Office and computing machines (SIC 357)

Electric and electronic equipment (SIC 36) (except electronic distribution and electrical industrial. SIC 361 & 362)

Instruments and related products (SIC 38)

Miscellaneous manufacturing industries (SIC 39)

Local and interurban passenger transit (SIC 41)

Trucking and general warehousing including mini-storage (SIC 42)

Transportation services (SIC 47)

Communications (SIC 48)

Wholesale trade durable and nondurable (SIC 50 & 51)

Fuel and ice dealers (SIC 598)

Welding repair (SIC 7692)

Automotive Repair (SIC 75) including top, body and upholstery repair and paint shops (SIC 7532) and tire retreading and repair shops (SIC 7534) (Ord. 1741, 3-17-92)

Special Warehousing and Storage (SIC 4226)

Auto towing and storage yards (SIC 7549)

Large truck, industrial truck and tractor repair (SIC 7699) (Ord. 2002-15, 11-05-02)

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- D. **HEAVY INDUSTRY.** This use category includes construction, manufacturing, transportation, and public utilities, and those uses which have severe potential for negative impact on any uses located relatively close to them. This group differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have enormous potential for generation of dust, noise and odor and may involve large amounts of exterior storage. Because of their scale, they are likely to have a regional impact. The following uses are permitted:

Heavy construction contractors (SIC 16)

Meat products (SIC 20 & 2077)

Alcoholic beverages (SIC 2082-85)

Sawmills, planing mills (SIC 242) and storage of logs, Paper, pulp, or paperboard mills (SIC 261-63)

Chemicals and allied products (SIC 28) (except drugs SIC 283)

Petroleum and coal products (SIC 29)

Rubber and miscellaneous plastics (SIC 30)

Leather tanning (SIC 311)

Stone clay and glass products including concrete plants (SIC 32)

Primary Metal Industries (SIC 33)

Machinery (SIC 35)

Electrical distribution equipment (SIC 361)

Electrical industrial apparatus (SIC 362)

Transportation equipment (SIC 37)

Railroad transportation (SIC 40)

Utility (SIC 49), production or processing facilities, but not offices or transmission or distribution.

Truck and auto repair (SIC 75) (Ord. 1741, 3-17-92)

- E. **EXTRACTION AND DISPOSAL USES.** This category includes extraction uses such as mining and quarrying and disposal uses such as junk, scrap, or salvage yards, landfills, sludge disposal or storage, construction material stockpiling, resource recovery facilities, and trash compaction or transfer stations, and any other form of waste management facilities and all extraction uses. These uses create major disruptions to the area's environment even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses is an acceptable neighbor in a residential environment. (See Tables 10-03-001-0003.A & B)

Mining and quarrying of non-metallic minerals, except fuels (SIC 14)

DIVISION 10-03-003. CONDITIONAL USES

10-03-003-0001. CONDITIONAL USES:

Conditional uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The procedures for permitting conditional uses are discussed in Section 10-10-004-0004. When such a use is proposed, a review by the City Planning Commission of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards. The review determines whether the proposed use should be permitted by weighing public need for, and benefit to be derived from, the use against the local impact which it may cause.

- A. All conditional uses in all zoning districts except the established "E" districts shall have a minimum peripheral bufferyard opacity of 0.40 or higher if required by the bufferyard matrix in Table 10-06-003-0004.A. All street bufferyards shall be as required in Table 10-06-003-0004.B., which may in some cases, be less than 0.40 opacity.

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- B. All conditional uses in established "E" districts shall conform to the same street and peripheral bufferyard standards as in A above, to the maximum extent possible, as determined by the Planning and Zoning Commission subsequent to the public hearing for the proposed conditional use. It is recognized that it may be impractical or undesirable to require complete compliance to the minimum peripheral and street bufferyards in the established "E" districts due to existing development conditions (e.g. location of existing buildings). (See Chapter 10-06 for bufferyard options, and Chapter 10-10 for Conditional Use Permit procedures) (Ord. 1741, 3-17-92)

10-03-003-0002. STANDARDS FOR SELECTED CONDITIONAL USES:

(Also See Section 10-10-004-0004. D.2.)

An application for a Conditional Use Permit for conditional uses shall not be approved unless the Planning and Zoning Commission finds that, in addition to complying with each of the general standards enumerated in Section 10-10-004-0004 C. and D.2., each of the following specific standards applicable to a particular conditional use are also met. The following standards apply in all zoning districts, and apply whether the specific uses are listed as conditional uses or permitted uses. (Ord. 1974, 6/19/98)

A. **LANDING STRIPS AND HELIPORTS.**

1. The Planning and Zoning Commission may require additional buffering in the form of berms.
2. The area proposed for this use shall be sufficient in size and the site otherwise adequate to meet the standards of the Federal Aviation Agency, Department of Transportation, for the class of airport proposed, in accordance with their published Rules and Regulations.
3. Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Agency, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish hazard zoning regulations.
4. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
5. No existing or planned approach areas shall be permitted over existing residential areas.
6. Off-street parking required: one (1) space for every aircraft space within the hangars, plus one (1) space for every tie-down space, plus one (1) space for every two (2) employees.
7. Building setback: any building, hangar, or other structure shall be at least one hundred (100) feet from any street or lot line.
8. All repair of aircraft and machinery shall be done inside hangars.

10-03-003-0002**B. COMMERCIAL CAMPGROUNDS, TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS, AND TENTS.**

1. Location. Travel trailer and recreational vehicle parks shall be located in permitted zone districts on property having direct access to an arterial street or highway as indicated by the General Plan for the City. Overnight parking of travel trailers, motor homes, boats or other recreational vehicles is prohibited at shopping centers, vacant lots or other locations where camping activities are not specifically permitted by this Code. Owners of such properties will be required to post their properties with "no camping" signs or take other corrective measures pursuant to Chapter 10-13, Enforcement, if such activities occur on a frequent or persistent basis. (Ord. 1997, 6-15-99)
2. Principal Uses.
 - a. A travel trailer park shall consist of a minimum of one (1) acre for the parking of travel trailers for human occupancy only.
 - b. All trailer and vehicle parking spaces are to be paved with asphaltic concrete to the specifications in 4.b.and c.
 - c. Campgrounds, or freestanding tent sites; provided that not more than fifteen (15) percent of the travel trailer park shall be used for campgrounds.
3. Accessory Uses.
 - a. Recreational facilities, laundry buildings, service retail store, manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Section and all other applicable City regulations.
 - b. No accessory buildings or structures shall be used for human occupancy, except as permitted by a Conditional Use Permit.
 - c. One (1) manufactured home or single-family residence may be located in the park subject to the approval of a Conditional Use Permit by the Planning and Zoning Commission. (Ord. 1997, 6-15-99)
4. Development and Design Requirements.
 - a. A maximum density of fifteen (15) units per acre.
 - b. Each unit or site shall be improved with a minimum parking space for the travel trailer or recreational vehicle with a minimum area of ten (10) feet by twenty-five (25) feet in addition to the access driveway.
 - c. Vehicle Parking:
 - (1) One (1) paved parking space, nine (9) feet by twenty (20) feet, shall be located on each site (may be located in front or side yard setback areas).
 - (2) Guest parking, one (1) space for each ten (10) trailer sites, shall be provided off the interior drives.
 - d. Recreation area or common space requirements shall be at a ratio of one hundred (100) square feet per unit site.

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- e. No direct access to an individual site shall be permitted from a public street.
 - f. All public utilities shall be placed underground.
 - g. Interior landscaping of the park shall require at least one (1) tree per lot, existing or if planted, and the tree shall be at least a fifteen (15) gallon container in size.
5. Individual travel trailer or recreational vehicle sites development standards:
- a. Minimum width--twenty-five (25) feet.
 - b. Minimum depth--forty-five (45) feet.
6. Campground areas of any travel trailer park shall provide a minimum of five hundred (500) square feet for each tent site. A ten (10) foot separation shall be maintained between tents.
7. Sanitary Garbage Pickup. In every campground there shall be provided at least one (1) sanitary garbage pickup area on the site. Said garbage pickup area shall be screened from view in accordance with applicable City regulations.

C. TELECOMMUNICATION FACILITIES.

1. Purposes. This Section 10-03-003-0002.C. is intended to accommodate the communications needs of residents and businesses in the City of Flagstaff while protecting the public health, safety and welfare by:
- a. Establishing predictable and balanced regulations that facilitate the provision of communications services.
 - b. Protecting the built and natural environment in the City of Flagstaff by promoting compatible design standards for telecommunications facilities.
 - c. Minimizing adverse visual effects of telecommunications facilities through careful design, siting, landscape screening, height limitations, innovative camouflage techniques and protection of viewshed corridors.
 - d. Avoiding potential damage to adjacent properties from tower failure through appropriate engineering and siting of towers.
 - e. Maximizing use of existing and future towers to minimize the number of towers needed to serve the City of Flagstaff.
 - f. Locating telecommunications facilities away from residential neighborhoods and historical sites whenever possible.
 - g. Requiring compliance with the important public interest protections of this Section 10-03-003-0002.C. without taking into consideration economic considerations or cost, unless such economic considerations or costs are so extraordinary, substantial and unusual so as to prohibit or have the effect of prohibiting the provision of telecommunications services.
2. Definitions. The following terms shall have the meanings indicated when used in this Section 10-03-003-0002.C.:

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- a. "Antenna" means any exterior apparatus designed to collect or radiate electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
 - b. "Co-location" means locating an antenna on a tower or other structure on which one or more antennas already have been located.
 - c. "Height" of a tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted.
 - d. "Telecommunications facilities" refers to antennas and towers, either individually or together, and associated equipment and structures used for telecommunications purposes.
 - e. "Tower" means a self-supporting structure (such as a lattice tower or monopole tower), a guyed tower, or a structure affixed to or mounted on an existing or newly constructed building or other permanent structure, together with associated equipment, on which is located one or more antennas.
3. General Requirements for Telecommunications Facilities. The requirements set forth in this Section 10-03-003-0002.C.3. shall govern the location, construction and operation of all telecommunications facilities governed by Section 10-03-003-0002.C.
- a. Building Code and Safety Standards. Telecommunications facilities shall be maintained in compliance with applicable building and technical codes, including the EIA/TIA 222-F Standards, as published by the Electronic Industries Association and amended from time to time. To ensure structural integrity, the owner of a telecommunications facility shall cause the facility to be inspected at least once every three years by a structural engineer licensed to practice in Arizona, and shall provide the results of such inspection to the Planning Director.
 - b. Regulatory Compliance. All telecommunications facilities must comply with the regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with authority to regulate telecommunications facilities. The owner of a telecommunications facility shall certify at least once every three years to the Planning Director that the telecommunications facility complies with all such regulations. Such certification shall be kept in a file available to the public.
 - c. Security. All telecommunications facilities shall have appropriate security, as determined by the Planning Director, including fencing that complies with Section 10-03-006-0001. H.
 - d. Lighting. No artificial lighting of telecommunications facilities is permitted unless such artificial lighting is (i) required by the Federal Aviation Administration, the Federal Communications Commission or another state or federal agency of competent jurisdiction, (ii) necessary for air traffic safety or (iii) necessary for security. Such lighting shall comply with the development lighting regulations in Division 10-08-002.
 - e. Advertising. No advertising is permitted on telecommunications facilities. Signage that conforms with Division 10-08-001 is permitted at telecommunications facilities where personnel work permanently.

10-03-003-0002 f. Visual Impact.

- (1) Telecommunications facilities shall be sited and constructed to preserve the preexisting character of the surrounding buildings and vegetation, and shall comply with the natural resource protection standards in Division 10-04-003.
- (2) All telecommunications facilities shall be painted a neutral non-reflective color, or be painted and/or textured to match adjoining structures or vegetation so as to reduce visual obtrusiveness, unless otherwise required by the Federal Aviation Administration or other competent state or federal regulatory agency. Special attention shall be paid to camouflaging to the maximum extent possible any portion of a telecommunications facility that extends above the surrounding average tree height.
- (3) Where feasible, telecommunications facilities shall be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
- (4) An equipment shelter or cabinet that supports telecommunications facilities shall be concealed from public view or made compatible with the architecture of surrounding structures. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet shall be regularly maintained.

g. Landscaping.

- (1) Landscaping shall be used to mitigate the visual impact of telecommunications facilities and ancillary structures. All landscaping shall meet the requirements of Chapter 10-06 of this Code. All landscaping shall be of the evergreen variety. All landscaping shall be appropriate to the climate, irrigated when necessary and feasible, and properly maintained to ensure good health. Unhealthy or dead landscape material shall be replaced. Evergreen plant material of a minimum height of five (5) feet shall be planted adjacent to the exterior of any wall or fence a minimum of every twenty (20) feet on center.
- (2) Native vegetation on the site of telecommunication facilities shall be preserved to the extent practical, as determined by the Planning Director.

h. Maintenance. The site of a telecommunications facility shall have sufficient room for maintenance vehicles and other equipment used for maintenance to maneuver on the property, unless there is sufficient room for such vehicles and equipment on adjacent property. Vehicles and other equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of a telecommunications facility.

i. Site Size and Setbacks.

- (1) The site of a telecommunications facility shall be of a size and shape sufficient to provide adequate landscape screening as required by Section 10-03-003-0002.C.3.g.
- (2) The site of a telecommunications facility shall be of a size and shape sufficient to protect adjoining property from the impact of a telecommunication facilities failure by being large enough to accommodate such failure on the site based on the engineer's analysis required by Section 10-03-003-0002.C.6.c. At a minimum, such a site shall be large enough to permit a radius of land around the

telecommunications facility so that its collapse will be contained on the property

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plus twenty-five (25) feet; for purposes of this sentence, "property" means all adjoining land under common ownership with the land on which the telecommunications facility is located, whether or not such adjoining land is used in connection with the telecommunications facility.

- (3) For rooftop antennas, a 1:1.2 setback ratio shall be maintained as a fall zone (for example, a ten (10) foot tall antenna shall require a twelve (12) foot setback from the edge of the building's roof).
- j. Height. A telecommunications facility located on a Preferred Site, as defined in Section 10-03-003-0002.C.5.a, shall not exceed a height of one hundred (100) feet. A telecommunications facility located on a Neutral Site, as defined in Section 10-03-003-0002.C.5.b, shall not exceed a height of seventy five (75) feet. A telecommunications facility located on a Disfavored Site, as defined in Section 10-03-003-0002.C.5.c, shall not exceed a height that is the greater of (i) sixty (60) feet or (ii) five (5) feet above the average maximum height of the foliage within two hundred (200) feet of the telecommunications facility, but in no case greater than seventy (70) feet.
4. Additional Requirements for Towers. In addition to the general requirements set forth in Section 10-03-003-0002.C.3., towers shall be subject to the additional requirements set forth in this Section 10-03-003-0002.C.4.
 - a. Towers shall not be located any closer than 1500 feet from an existing tower unless technologically required or unless clustering would be visually preferable, as determined by the Planning and Zoning Commission.
 - b. Towers shall not be sited where they will negatively affect historic districts or scenic view corridors or where they will create visual clutter.
 - c. Towers shall be constructed to permit future co-location, unless doing so would be technically infeasible or aesthetically undesirable, as determined by the Planning and Zoning Commission. Tower owners shall negotiate in good faith with providers of telecommunications services that seek to co-locate.
 - d. New towers shall not be located any closer than three hundred (300) feet from the right-of-way lines of the following streets and highways within the Flagstaff City limits:
 - Interstate 40
 - Interstate 17
 - US Highway 89N
 - US Highway 89A
 - US Highway 180/Fort Valley Road
 - Route 66
 - Milton Road
 - Switzer Canyon Drive
 - N. Humphreys Street
 - Cedar Avenue from Turquoise Drive to West Street
 - Lake Mary Road
 - e. Towers shall not be located on, or any closer than three hundred (300) feet from any of the following locations:
 - Flagstaff Urban Trails (FUTS) System.

- City Reservoir Site on Fort Valley Rd.
- Coconino County Facilities and Sechrist School Sites on Fort Valley Rd.

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- Those areas of Pulliam Airport within the Building Restriction Line or the Part 77 Airspace Plan of the Airport Master Plan.
- McMillan Mesa, as defined by a minimum elevation of 6990 feet.
- Any residentially zoned land. (Ord. 2000-08, 6/6/00)

5. Preferred, Neutral and Disfavored Sites.**a. Preferred Sites.**

- (1) **Community Structures Not on Disfavored Sites.** Any police or fire station, library, community center, civic center, courthouse, utility structure, smokestack, water tower, bridge, clock or bell tower, light pole, church steeple or other similar structure shall be a Preferred Site, provided that such structure is not on a site described in Section 10-03-003-0002.C.5.c.
- (2) **Co-Location.** Any existing lawful wireless telecommunications facility shall be a Preferred Site.
- (3) **Industrial Zones and Public Land.** Any site zoned I1-E, I2-E, I3-E, LI, HI, PLO-E or PL shall be a Preferred Site, provided that such site is not park or open space land or a school site, and provided further that such site is not a site described in Section 10-03-003-0002.C.5.c. School sites are considered Neutral or Disfavored Sites, depending on their zoning, proximity to residential neighborhoods, and the extent to which such sites meet the requirements of this Section and the Required Findings listed in Chapter 10 of this Code for Conditional Use Permits. (Ord. 2000-08, 6/6/00)
- (4) **Power Line Corridors.** An existing tower structure that supports high voltage power lines in a power line corridor shall be a Preferred Site.

b. Neutral Sites. Any site zoned C1-E, C2-E, C3-E, C4-E, C5-E, SC, UC and BP shall be a neutral site, provided that such site is not a site described in Section 10-03-003-0002.C.5.c.**c. Disfavored Sites.**

- (1) **Residential Neighborhoods.** Any site in a zoning district not specified in Section 10-03-002-0002.C.5.a.1 or Section 10-03-002-0002.C.5.b shall be a Disfavored Site, unless such site has a City General Plan/Growth Management Guide designation or current governmental use of Industrial or Commercial, which may reclassify the site as Preferred or Neutral, respectively.
- (2) **Designated Locales.** Any site that is within a scenic view corridor.
- (3) **Scenic Locales.** Any site along an exposed ridgeline, a public trail, public park, or other outdoor recreation area shall be a Disfavored Site, unless the telecommunications facility blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable, as determined by the Planning and Zoning Commission.

6. Applications and Procedure.**a. General.** An application for a Conditional Use Permit for a telecommunications facility

shall contain the following information, in addition to any other information required for Conditional Use Permits generally, as set forth in Section 10-10-004-0004.

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b. Basic Information.

- (1) A scaled site plan indicating the location, type, and height of the proposed telecommunications facility, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, parking, fences and other security measures, setbacks from the property line, and elevation drawings of the proposed telecommunications facility and any other structures.
- (2) Landscape plan indicating the size, spacing, and type of plantings required in Section 10-03-003-0002.C.3.g.
- (3) Photographic simulation of the proposed telecommunications facility to illustrate its potential visual impact.
- (4) Description of the effects that the proposed telecommunications facility will have on the surrounding area, including impacts on residential districts, structures and sites of historic significance, streetscapes, and scenic view corridors.
- (5) Description of anticipated operational and maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and the traffic, noise, and safety impacts of such maintenance.
- (6) Identification of the geographic service area for the telecommunications facility and a map showing associated telecommunications facility sites within the network, along with a description of the role of the telecommunications facility in the network.
- (7) Certification that the radio frequency emission from the proposed telecommunications facility will be within the limits set by the Federal Communications Commission.
- (8) Name, address, telephone number, facsimile number, and electronic mail address of a community liaison officer appointed by the applicant to resolve issues of concern to community residents relating to the construction and operation of the telecommunications facility.
- (9) A letter signed by an executive officer of the applicant stating that the telecommunications facility will comply with all EIA/TIA 222-F Standards as amended from time to time and all applicable building codes.

c. Engineering Report. Report from a structural engineer licensed in the State of Arizona documenting the following:

- (1) Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
- (2) Total anticipated capacity of the telecommunications facility, including, in the case of a tower, the number and types of antennas that can be accommodated.
- (3) Evidence of structural integrity.
- (4) Structural failure characteristics of the telecommunications facility and

demonstration that site and setbacks are adequate to contain debris.

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- d. Five Year Plan and Site Inventory. Each application shall include a five-year facilities plan and site inventory addressing the following:
 - (1) A description of the type of technology (cellular, PCS, radio, television, etc.) that will be provided using the telecommunication facility over the next five years, including the radio frequencies to be used for each technology and the types of consumer services (voice, video, data transmission, etc.) to be offered.
 - (2) A list of all of the applicant's existing telecommunications facility sites within the City of Flagstaff and the Flagstaff Metropolitan Planning Organization Area, a list of all of the applicant's proposed telecommunications facility sites within the City of Flagstaff and the Flagstaff Metropolitan Planning Organization Area for which the applicant has filed a Conditional Use Permit application, and a map showing these sites. For each site, provide:
 - street address;
 - zoning district;
 - the number and type of antennas and supporting equipment such as transmitters, receivers and associated equipment per site and the location and type of antenna installation (stand alone, rooftop, building facade, etc.) and location of the base transceiver station installation;
 - the height of the telecommunications facility as measured in accordance with Section 10-03-003-0002.C.2.c.;
 - the operating radio frequencies in megahertz, the wattage output of the equipment, and the effective radiated power; and
 - the current approval status of the site.
 - (3) If the applicant does not know specific future telecommunications facility site locations but does know of the areas where the telecommunications facilities will be needed within the next five years to provide service, the applicant shall identify the areas.
- e. Additional Information for Sites that Are Not Preferred Sites. Whenever an applicant proposes to construct a telecommunications facility on a site that is not a Preferred Site, as defined in Section 10-03-003-0002.C.5.a., the applicant shall provide the following additional information.
 - (1) a map showing the area in which the proposed telecommunications facility could be sited to provide the needed coverage, and all Preferred Sites in that area, and
 - (2) a justification as to why the applicant is not proposing a Preferred Site, including the best efforts made to secure each of the Preferred Sites, why such efforts were unsuccessful, and why each of the Preferred Sites is not technically or legally feasible.
- f. Additional Information for Towers.

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- (1) The applicant must explain why existing towers and other supporting structures cannot accommodate the proposed telecommunications facility. The applicant should describe in detail its best efforts made to obtain the use of such facilities, including, where applicable, the names and phone numbers of property owners contacted, summaries of meetings held with property owners, and written documentation from property owners denying use of their property.
 - (2) The applicant must state whether additional antennas can be co-located on the new tower and, if not, explain why the tower is not being constructed to accommodate future co-location.
 - (3) The applicant must prepare a site review plan application that meets the requirements of Section 10-10-004-0003.
- g. Technical Experts. The Planning Director is authorized at his/her discretion to employ on behalf of the City of Flagstaff an independent technical expert to review any technical material submitted under this Section 10-03-003-0002.C. The applicant shall pay all costs of said review, including any administrative costs incurred by the City of Flagstaff. Any proprietary information disclosed to the City of Flagstaff or the expert hired shall remain confidential and shall not be disclosed to any third party.
- h. Legal Counsel. The Planning Director is authorized at his/her discretion to employ on behalf of the City of Flagstaff legal counsel to assist in the review of an application for a Conditional Use Permit submitted under this Section 10-03-003-0002.C. The applicant shall pay all costs of said review, including any administrative costs incurred by the City of Flagstaff.
- i. Procedure -- General. Applications for a Conditional Use Permit for a telecommunications facility shall be subject to the general procedural requirements for Conditional Use Permits in Section 10-10-004-0004. Any decision to deny an application for a Conditional Use Permit for a telecommunications facility, including on appeal to the City Council, shall be in writing and shall be supported by substantial evidence in the written record.
- j. Report of Planning Director. In connection with the report (the "Report") of the Planning Director required by Section 10-10-004-0004.D.1., the Planning Director may require the applicant to submit additional justifications, documentation and other information in support of the showings that the applicant must make pursuant to Section 10-03-003-0002.C. For each applicable showing or requirement of Section 10-03-003-0002.C., the Report shall: (i) review the application and the supporting documentation submitted by the applicant and any information prepared by or on behalf of the City of Flagstaff or received by the City of Flagstaff; and (ii) explain how the information reviewed (or lack of information submitted) supports the recommendation to the Planning and Zoning Commission required by Section 10-10-004-0004.D.1. Failure of the applicant to submit such information as the Planning Director may require under this Section shall be noted in the Report and may be considered by the Planning and Zoning Commission.
- k. Review. The Planning and Zoning Commission shall not issue a Conditional Use Permit for a telecommunications facility until: (i) the applicant has submitted an application in the form set forth in Section 10-03-003-0002.C.6.; (ii) the Planning and Zoning Commission has determined that the general requirements for telecommunications facilities set forth in Section 10-03-003-0002.C.3 have been met; and (iii) the Planning and Zoning Commission has made the findings required under Section 10-10-004-0004.D.2. In addition, the following findings shall be required, where applicable:

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- (1) For Telecommunications Facilities Not on Preferred Sites. Applications for a Conditional Use Permit for a telecommunications facility on a site other than a Preferred Site, as defined in Section 10-03-003-0002.C.5.a., shall not be granted unless the applicant has shown that it made its best efforts to locate the telecommunications facility on a Preferred Site and that it is not technically or legally feasible or aesthetically desirable to locate the telecommunications facility on a Preferred Site.
 - (2) For Towers. Applications for a Conditional Use Permit for a tower shall not be granted unless the applicant has shown that (A) existing towers cannot accommodate the proposed telecommunications facility, (B) the new tower will have room to co-locate additional facilities or it is not technically or legally feasible or aesthetically desirable to construct a tower with such co-location capacity, and (C) construction of the tower will not disrupt existing utilities. In addition, the applicant also must meet the requirements set forth in Section 10-03-003-0002.C.4.
 - (3) For Telecommunications Facilities on Disfavored Sites. Applications for a Conditional Use Permit for a telecommunications facility on a Disfavored Site, as defined in Section 10-03-003-0002.C.5.c., shall not be granted unless the applicant has shown that (A) it has made its best efforts to locate the telecommunications facility on a site that is not a Disfavored Site, (B) it is not technically or legally feasible or it is aesthetically undesirable to locate the telecommunications facility on a site that is not a Disfavored Site, and (C) denial of the Conditional Use Permit would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 U.S.C. § 332(c)(7)(B)(i).
1. The Planning and Zoning Commission may require the applicant to submit additional information or provide further justification if the Commission believes it is necessary or appropriate in light of the showings required by Section 10-03-003-0002.C.6.k., the Report submitted by the Planning Director, the application, or the requirements of Section 10-03-003-0002.C.
7. Removal of Telecommunications Facilities. All telecommunications facilities shall be maintained in compliance with the standards contained in applicable building and technical codes, including the EIA/TIA 222-F Standards, as published by the Electronic Industries Association and amended from time to time, so as to ensure the structural integrity of such facilities. If upon inspection by the Planning Director any such telecommunications facility is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the telecommunications facility and the owner of the site of the telecommunications facility, such owners shall have thirty (30) days to bring the telecommunications facility into compliance. If such telecommunications facility is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the telecommunications facility to be removed and the site restored to its natural condition. If such telecommunications facility is not removed within thirty (30) days of receipt of such notice and the site restored to its natural condition, the City may remove such telecommunications facility and place a lien upon the property for the costs of removal and restoration. Delays by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to ensure that telecommunications facilities not in compliance with code standards or which constitute a danger to persons or property are brought into compliance or removed. The City may seek to have the telecommunications facility removed and the site restored to its natural condition regardless of the owner's or operator's intent to operate the telecommunications facility and regardless of any federal, state or other permits that may have been granted. The time periods for repair, removal and

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restoration set forth in this Section 10-03-003-0002.C.7. may be shortened if the Planning Director determines that a telecommunications facility poses an immediate danger to persons or property.

8. Abandoned Telecommunications Facilities.

- a. Any telecommunications facility that is not operated for a continuous period of six (6) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The following persons have a duty to remove an abandoned telecommunications facility and restore the site to its natural condition: (i) the owner of the abandoned telecommunications facility, (ii) the former operator of the abandoned telecommunications facility, (iii) the owner of the site upon which the abandoned telecommunications facility is located, (iv) any lessee or sublessee of the site, (v) any telecommunications service provider which, by ceasing to utilize the telecommunications facility, caused the telecommunications facility to be abandoned, (vi) any person to whom there has been transferred or assigned any license issued by the Federal Communications Commission under which the communications facility was operated, (vii) any successor of any of the foregoing persons by asset sale or merger, (viii) any parent, subsidiary, or affiliate of any of the foregoing persons, (ix) any managing partner of any of the foregoing that is a limited partnership, (x) any general partner of any of the foregoing that is a general partnership. If such telecommunications facility is not removed and the site is not restored to its natural condition within sixty (60) days of receipt of notice from the City notifying the owner of such abandonment, the City may remove such telecommunications facility and restore such site to its natural condition and place a lien upon the property for the costs of removal. The City also may pursue all legal remedies available to it to ensure that abandoned telecommunications facilities are removed. Delay by the City in taking action against abandoned telecommunication facilities shall not in any way waive the City's right to take action. The City may seek to have the telecommunications facility removed and the site restored to its natural condition regardless of the owner's or operator's intent to operate the telecommunications facility and regardless of any permits that may have been granted to do so.

- b. A new Conditional Use Permit must be granted before an abandoned telecommunications facility is brought back into use, and the applicant must meet all of the conditions of this

Section 10-03-003-0002.C. as if the abandoned telecommunications facility were a new telecommunications facility.

9. Coordination with Federal Law.

- a. A Conditional Use Permit may be granted despite noncompliance with the provisions of this Section 10-03-003-0002.C. whenever denial of Conditional Use Permit would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, within the meaning of 47 U.S.C. § 332(c)(7)(B)(i).
- b. In evaluating an application for a Conditional Use Permit, no consideration shall be given to the environmental effects of radio frequency emissions to the extent that such emissions are in compliance with the regulations of the Federal Communications Commission, as provided in 47 U.S.C. § 332(c)(7)(B)(iv).
- c. If any portion of this Section 10-03-003-0002.C. is found invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision of this Section 10-03-003-0002.C., and such holding shall not affect the validity of the

remaining portions of this Section 10-03-003-0002.C.

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10. Exclusions. The following shall be exempt from this Section 10-03-003-0002.C.:
- a. Any tower and antenna under sixty (60) feet in total height above the ground which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission; and
 - b. Any receive-only consumer device designed for over-the-air reception of television broadcast signals, multichannel multi-point distribution service or direct broadcast satellite service.
- D. PUBLIC SERVICE. Because of their public necessity, public service uses are conditional uses in all zoning districts. In the review of the Conditional Use Permit, if the Planning and Zoning Commission determines that the use may cause either a possible hazard to nearby residents or passersby, or an interference with the development, use or enjoyment of surrounding property, the Planning and Zoning Commission may require fencing or screening with densely planted materials to a greater extent than the required bufferyard. (See Chapter 10-06.) (Ord. 1741, 3-17-92)
- E. ADULT ENTERTAINMENT. Adult Entertainment includes adult bookstores, adult cinemas, and adult hotels and motels as defined in Chapter 10-14.

The City Council finds that "adult entertainment" uses as described in this Ordinance, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas and increasing law enforcement problems. The City Council further finds that specific regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods, endanger public safety, or decrease the value of surrounding properties. These conditions are established to prevent their concentration or clustering of these businesses in any one area of the City and to restrict their proximity to residential areas, schools, churches, parks, and other public facilities. All distances specified in this Section shall be measured in a straight line, without regard to intervening structures or objects, from the property line of any adult entertainment business to the nearest property line of any other adult entertainment business, school, church, public facility, residential district, or other land use facility specified herein.

1. The adult entertainment establishment shall not be located closer than five hundred (500) feet from the boundaries of the following:
 - a. Any residential zoning district;
 - b. Public or private school having a pre-school or kindergarten curriculum or any one (1) or more of grades one (1) through twelve (12);
 - c. Public park or playground;
 - d. Church or noncommercial establishment owned or operated by a bona fide religious organization;
2. The adult entertainment establishment is located not closer than one thousand (1,000) feet from any other two (2) adult entertainment businesses.
3. The adult entertainment business excludes from its premises persons less than eighteen (18) years of age.
4. The adult entertainment establishment displays no signs visible from the exterior of the business except for signs identifying the business as an adult entertainment business.

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5. No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the adult entertainment establishment.

F. **EXTRACTION AND DISPOSAL USES.** Stone, mineral, topsoil, or similar extractive operations, including borrow pits (excavations for removing material for filling operations), and disposal operations; including landfills, construction material, stockpiling, trash transfer sites, incinerators, sludge or other land disposal or storage of septic tank wastes or sludges, trash, junk cars, recycling facilities, used auto parts, or junkyards, shall be considered extraction or disposal operations. When applying for a Conditional Use Permit or change of zoning, the applicant shall provide the following plans and information:

1. **Plans Required.**

- a. Plan of general area [within a one (1) mile radius of site] shall be prepared at a scale of one thousand (1,000) feet to the inch or less, with a ten (10) foot contour interval or less. There shall also be a plan of the proposed site at a scale of one hundred (100) feet to the inch or less, with a two (2) foot contour interval or less, to show:

- (1) **Basic Data.**

- (a) Soils and geology;
 - (b) Groundwater data and water courses;
 - (c) Vegetation, with dominant species; and
 - (d) Wind data, with directions and percentage of time.

- (2) **Proposed Usage.**

- (a) Final grading by contours.
 - (b) Interior road pattern, its relation to operation yard and points of ingress and egress to state, county, or City roads.
 - (c) Estimated amount and description of aggregate and overburden to be removed.
 - (d) Ultimate use and ownership of site after completion of operation.

- b. **Plan of Operation showing:**

- (1) Proposed tree and berm screen locations.
 - (2) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
 - (3) Method of disposition of excess water during operation.
 - (4) Location and typical schedule of blasting.
 - (5) Machinery, type, and noise levels.
 - (6) Safety measures and monitoring of complaints.
 - (7) Disposal Facilities. Information must be provided about the following:

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- (a) Average and maximum amount of cubic yards or thousands of gallons of waste to be accepted per day.
 - (b) Detailed description of the operation process and schedule.
 - (c) Method of protecting wastes from exposure to wind, rain, or biological influences.
 - (d) Types of liners or other barriers to pre-vent movement through the soils.
 - (e) Types of leachates generated and method of managing these materials.
 - (f) Type and origination of the waste materials.
 - (g) Average number and maximum amount of vehicles entering the site and the routes taken to get there and ability of roads and bridges to support such loadings and traffic impact on adjacent areas.
 - (h) Off-site and on-site management techniques used to protect against odor, dust, litter, animal and insect vectors.
 - (i) Data on developments that have been submitted to the City for either building permits, zoning reviews, subdivisions, or land developments.
- c. End Use Plan and Restoration Requirements.
 - (1) An end use plan for the rehabilitation of the site after the extraction or disposal operation is completed shall be submitted and must be approved by the City Planning Commission. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline post operation maintenance procedures; legal responsibility for any environmental pollution that may have occurred during operation or after the facility is closed; and financial ability to clean up any possible pollution that occurs after the facility closed.
 - (2) In order to ensure that the area of extraction or disposal operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a Conditional Use Permit, submit to the City Planning Commission a plan for such restoration in the form of the following:
 - (a) An agreement with the City whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the City.
 - (b) A physical restoration plan showing the existing and proposed contours at two (2) feet and at National Geodetic Vertical Datum after restoration, plantings, and other special features of restoration, and the method by which such restoration is to be accomplished.

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- (c) A bond, written by a licensed surety company, a certified check, letter of credit, or other financial guarantee satisfactory to the City in an amount sufficient in the opinion of the Director of Planning to secure the performance of the restoration agreement.
- (d) Such agreement and financial guarantee shall be in a form approved by the City Attorney.
 - i. If the applicant fails to fulfill the agreement, such bond, check, or other financial guarantee shall be deemed forfeited for the purpose of enabling the City to perform the restoration.
 - ii. Restoration shall proceed as soon as practicable and at the order and direction of the Director of Planning. However, the owner or operator may, at his option, submit a plan for progressive restoration as the operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than two (2) years.
 - iii. At any stage during the restoration, the plan may be modified by mutual agreement between the City and the owner or operator.
 - iv. Where there is any backfilling, the material used or method of fill shall not be such as to create a health or environmental hazard or which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition of the restored area, except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.
 - v. Within six (6) months after the cessation of the operation, all temporary structures (except fences) and equipment shall be removed; stockpiles, rubble heaps or other debris shall be removed or backfilled into excavation so as to leave the premises in a neat and orderly condition and covered with a minimum of four (4) inches of topsoil with hydroseeding of native grasses.
 - vi. In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of one and one-half (1.5) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of slippage or repose of the material involved.
 - vii. In addition, all restoration shall be in conformance with the City's Construction Site Erosion Control Ordinance.

2. Performance Standards.

- a. Operations. Extractive and/or disposal operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal

regulations.

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- b. Setbacks. No disposal/area, excavation, quarry wall, or storage area shall be located within one hundred twenty-five (125) feet from any street right-of-way. The setbacks listed in Table 10-03-003-0002 are required from the periphery of the subject property to any disposal area, excavation, quarry wall, or storage area on the subject property. Setback distance is dependent upon the use of adjacent property.

**TABLE 10-03-003-0002
REQUIRED SETBACK FROM LOT LINE
FOR EXTRACTIVE OPERATIONS**

Use of Abutting Property	Required Setback from Lot Line
Vacant	200 feet
Open Space	200 feet
Recreational	200 feet
Agricultural	150 feet
Residential	200 feet
Institutional	200 feet
Commercial	150 feet
Industrial	50 feet

- c. Grading. All disposal areas and excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- (1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, or other materials, provided such materials are composed of non-noxious, noncombustible solids.
 - (2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph b. above may be reduced by one-half (1/2), so that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any nature resource protection area or residential district boundary line.
 - (3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
 - (4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
- d. Access. Truck access to any disposal or excavation area shall be arranged as to minimize danger to traffic and nuisance to surrounding properties.

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- e. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A landscape plan, as described in Chapters 10-06 and 10-10, shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

DIVISION 10-03-004. TEMPORARY USES**10-03-004-0001. TEMPORARY USES:**

- A. GENERAL. These regulations are applicable to all zoning districts, including new and established "E" Districts.
 1. The temporary uses listed in Paragraph C. below shall be permitted in various zoning districts as specified, subject to the restrictions and standards established in these regulations, including the requirement for a Temporary Use Permit unless exempted herein. These regulations apply primarily to temporary uses on private property. Temporary special events on public property, including parks and other City-owned or operated public property, shall be reviewed by the Parks and Recreation Division. (Ord. 2002-15, 11-05-02)
 2. Except as specifically permitted in this Section, no temporary use shall be permitted for a period exceeding six (6) months. No temporary use or structure shall continue for such a length of time that it constitutes in effect a permanent use. Except for temporary seasonal garden centers or other on-site temporary uses at established retail stores or shopping centers, recurring temporary uses and structures, where the same temporary use or structure is established on the property on an annual basis or other regular period basis, shall be allowed and shall be treated as a conditional use and shall be subject to the regulations established in Division 10-03-003 and Chapter 10-10. Garden centers or other seasonal temporary uses in connection with existing retail stores may be approved by the Planning Director or designee, or the Development Review Board without a Temporary or Conditional Use Permit. Once approved, such garden centers and similar uses may be reestablished annually without further review, so long as the use is maintained in the same location, configuration and intensity as shown on the original approved site plan. Except as specifically permitted in this Section, no recurring use shall be permitted for a period exceeding six (6) months. No recurring use shall continue for such a time that it constitutes in effect a permanent use. As part of Temporary Use Permit issuance, the applicant shall be required to provide express consent and authorization for the City of Flagstaff to remove the temporary structure, at the owner's expense, upon termination of the Temporary Use Permit or prior to the City's acceptance of off-site improvements. Such permits shall be revocable at the discretion of the Planning Director. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)
 3. Limitations.
 - a. Except as specifically provided in this Section, restrictions on temporary uses shall not apply to any use that is conducted entirely on private residential property, operated by the person, company, or organization owning the property, provided that the duration of the temporary use does not exceed forty-eight (48) hours and is repeated not more than four (4) times a year.

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- b. Any tent, trailer, recreational vehicle or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the National Electric Code and the Fire Code of the City of Flagstaff, as well as with County Health Department requirements, and shall not be used until a Certificate of Occupancy has been received. Only one (1) such tent, vehicle or structure shall be permitted for a temporary use unless additional units are specifically approved by the Temporary Use Permit. (Ord. 1997, 6-15-99)
 - c. Any temporary use requires site plan approval.
 - d. A temporary use may be disallowed for disturbing or removal of natural resources.
 - e. All applications for a Temporary Use Permit are subject to the requirements of Chapter 10-10.
 - f. Any temporary use restricted to the public right-of-way, such as a street construction project, is subject to review and approval by the City Engineering Division, and not subject to these regulations. (Ord. 1997, 6-15-99)
 - g. Any temporary use restricted to a public park or other City-owned or operated public property, including streets, vacant land, and parking lots, is subject to review and approval by the City Parks and Recreation Division, and not subject to these regulations. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)
- B. **SIGNAGE.** Signs displayed in connection with a temporary use shall be approved under the Temporary Use Permit as provided in this Section, and are considered separately from any permanent signs governed by Chapter 10-08. (Ord. 1997, 6-15-99)
 - 1. Any sign for a temporary use permitted by this Section shall be constructed of rigid material and securely attached to a stationary structure, canopy, fence or vehicle associated with the temporary use. Banners and pennants are prohibited. (Ord. 1997, 6-15-99)
 - 2. No more than two (2) non-illuminated signs per temporary use shall be permitted, with a total maximum sign area of sixteen (16) square feet. (Ord. 1997, 6-15-99)
- C. **SPECIFIC TEMPORARY USES.** The following are temporary uses which are subject to specific regulations and standards as set forth below, in addition to the other requirements specified in Chapter 10-10.
 - 1. **Off-Site Contractor's Office, Watchperson's Trailer, Construction Equipment Sheds, Trailers and Storage Yards.**
 - a. Permitted in any district where the use is incidental to an approved ongoing construction project. Water and sanitary facilities shall be provided if required by the City.
 - b. Length of permit shall be one (1) year with six (6) month (180 day) extensions possible.
 - c. The temporary use or structure shall be removed from the property upon issuance of an Occupancy Permit or prior to final acceptance of public off-site improvements for the new or rehabilitated building.
 - d. Watchperson trailers shall be limited to one (1) per construction site.
 - e. Public toilet facilities shall be provided as required by the City.

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2. Special Events of Public Interest.
 - a. Permitted in any rural, commercial, and industrial district.
 - b. Events of public interest may include, but are not limited to, outdoor concerts, auctions for the benefit of the community or a nonprofit community-type organization, rummage sales, arts and crafts sales, book sales, swap meets, and sidewalk sales. (Ord. 2002-15, 11-05-02)
 - c. Special events include carnivals, circuses, outdoor religious meetings, rodeos, and special outdoor entertainment at commercial properties. Included are groups, both profit and nonprofit, that travel around with the special event to different communities, and commercial operations that seek to provide additional outdoor entertainment for their patrons.
 - d. Such events shall be held no more than three (3) times a year on a property and shall not be more than four (4) days in succession.
 - e. The access to the property shall be adequate for the crowds anticipated, and the hiring of special traffic control personnel may be required.
 - f. Health Department approval shall be required in writing with the application submission.
 - g. A signed agreement shall be a part of the application that upon cessation, expiration, or revocation of the permit, the premises will promptly be cleaned up and restored to substantially the same condition as existed prior to commencement of such use as permitted.
3. Real Estate Sales Office.
 - a. Permitted in any district for any new subdivision development approved in accordance with the City of Flagstaff Subdivision Regulations. A model home may be used as a temporary sales office. (Ord. 2002-15, 11-05-02)
 - b. Maximum length of permit shall be two (2) years, and may be renewed from year-to-year until the completion of the development. The subdivision sales office shall be removed and the model homes shall be discontinued as model homes on or before the termination date set forth, or upon expiration of the extension granted by the Planning Director, or after six (6) months following sale or occupancy of all lots in the subdivision other than the model homes and the acceptance by the City of Flagstaff of all off-site improvements, whichever comes first.
4. Temporary Shelter.
 - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:
 - b. Required water and sanitary facilities must be provided.
 - c. Maximum length of permit shall be six (6) months, but the Planning Director or his designee may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.

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- d. The manufactured home shall be removed from the property upon issuance of any Occupancy Permit for the new or rehabilitated residence. As part of the Temporary Use Permit issuance, the applicant shall be required to provide express consent and authorization to the City of Flagstaff to remove the shelter at the owner's expense upon termination of the permit.
- 5. Vendors and Produce Stands.
 - a. Permitted in commercial districts only.
 - b. Produce stands and other vendors operating as a temporary use shall be open for no more than six (6) months within a one (1) year period at any and all locations, and shall operate in accordance with the City Sales Tax Department regulations as well as County Health Department Regulations for food vendors. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)
 - c. The stand and parking for the stand shall neither block nor be located within any right-of-way and shall be a minimum of ten (10) feet inside the property line. When located within or at one hundred (100) feet from intersecting streets, the stand shall conform to the clear-view distance requirements as set forth in Section 10-07-003-0005.
 - d. Vendors' Carts and Stalls, provided that:
 - (1) The cart or stall shall be located between the principal building and a public street;
 - (2) The cart or stall shall not block a driveway or other point of emergency vehicular access to any property;
 - (3) The cart or stall shall not block a public sidewalk;
 - (4) The vendor has the express written consent of the owner of the property to place the cart or stall on the property; and
 - (5) Where operating on a public right-of-way or public property, the vendor shall maintain an insurance policy, which designates the City as the insured party against any liability for personal injury or property damage. Vendors operating on public right-of-way are subject to a permit from the City Engineering Division, and not subject to these regulations. (Ord. 1997, 6-15-99)
 - e. Sidewalk sales on public right-of-way (refer to the City Engineer permit process).
- 6. Temporary storage of buildings to be relocated to a permanent site (see Chapter 10-10 for procedures).
- 7. Temporary Concrete Batch Plants or Asphalt Reprocessing Plants (including materials processing and handling) and Temporary Stone Crushers. Note: A Temporary Use Permit is not required if the plant and associated materials are used only for on-site construction projects. (Ord. 1997, 6-15-99)
 - a. Permitted in Industrial (LI, HI) and Rural Residential Districts as long as there is no removal of trees. The City Engineering Division shall review and make recommendations on all applications for temporary concrete batch plants, asphalt or asphalt processing plants, or temporary stone crushers.
 - b. The contractor shall submit a routing plan for trucks to and from the proposed plant to the City Engineering Division for its review and recommendations as a condition prior to approval.

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- c. The contractor shall provide a financial assurance in the amount requested by the City Engineering Division to pay for correcting any damage done to City roads during the course of said facility's operation and for the restoration of the site according to a plan submitted by the applicant.
- d. Such facilities shall only be allowed access via arterial or collector roads or highways. Access via dedicated existing local residential roads and/or collector roads serving residential areas shall be prohibited.
- e. Such facilities shall be erected only in conjunction with private or City or state/federal highway or road or public works improvements within the City of Flagstaff, or within newly platted subdivisions or individual sites of five (5) acres or more, subject to approval by the Planning Director. (Ord. 1997, 6-15-99)
- f. Such facilities shall be permitted only for the period of such roadway or highway work with a maximum of an eight (8) month period.
- g. Such facilities shall be located not less than one thousand (1000) feet from any occupied building, with the exception of an associated office on the same site.
- h. Such facilities shall be shown on a site plan and contained within a maximum five (5) acre area and shall not interfere with resource protection areas as defined by Chapter 10-04 of this Ordinance. Please refer to Section 10-03-003-0002.F.1.c. for site restoration requirements.
- i. Stone crushers shall be located not less than one thousand (1,000) feet from any building used for residential purposes.
- j. Prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City, state or federal air pollution standards.

8. Temporary Sales Events.

- a. This section is designed for temporary sales events at sites other than the permanent location of the business(es) proposing the event. This includes, but is not limited to, off-site temporary outdoor sales such as automobile sales, RV and trailer sales, boat sales, general merchandise sales, and other product display and sales events.
- b. These events are permitted with a Temporary Use Permit only in zoning districts where the use would otherwise be permitted as a permanent, on-site use. Each new or reoccurring event requires a separate Temporary Use Permit, to be issued by the City following review and approval of the site plan and other pertinent documents required by the DRB.
- c. These events are permitted only on sites where a primary, permanent use is located (no vacant lots), and only on improved (paved) areas of the site. If the event is proposed for an existing parking lot, there must be no disruption of normal required parking, access and traffic flow, pedestrian access ways or sidewalks, or landscaped areas.
- d. There shall be no vehicle service or repair during the event, and any tents, canopies or other temporary structures must be approved by the Development Review Board.

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- e. The applicant for each event shall secure the property owners permission to use the property for the event, and provide a copy of the document with the DRB application. The application shall specify the dates and times for the event including set-up and tear-down, and what provisions are to be made for site security, sanitation, trash removal, outdoor lighting or other electrical needs, and signage.
- f. Each event is limited to 30 consecutive days maximum, and all such sales events combined are limited to 6 months maximum in any calendar year at any one location. No applicant may apply for additional 30 day events in the same 6 month period; however, an applicant who uses less than the 30 day maximum for the first event may apply for additional events within the approved 6 month time period, up to 30 days maximum per applicant. (Ord. 2002-15, 11-05-02)

DIVISION 10-03-005. ACCESSORY USE REGULATIONS**10-03-005-0001. ACCESSORY USE REGULATIONS:**

These regulations are applicable to all zoning districts, including new and established "E" Districts.

- A. **ACCESSORY STRUCTURES.** Detached accessory buildings, accessory uses and accessory structures shall be permitted in all districts, as specified below, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure on the lot or a building permit issued prior to, or simultaneously with, the issuance of a Building Permit for an accessory structure. (Ord. 2002-15, 11-05-02)
- B. **USES.** No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district. (Ord. 2002-15, 11-05-02)
- C. **MAXIMUM HEIGHT.** The maximum height of all accessory buildings shall be twenty-four (24) feet, unless the zoning district has a more restrictive height limit. (Ord. 2002-15, 11-05-02)
- D. **MAXIMUM SIZE.** The maximum building size (coverage) of accessory buildings shall be governed by the lot coverage/floor area ratio and setback requirements of the District in which they are located. On any residential lot less than one (1) acre, the total area of all accessory buildings shall be less than that of the principal building(s) on the site. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)
- E. **LOCATION.** All permitted accessory buildings in residential districts, uses and accessory structures shall be permitted only if located within the buildable area, or in areas beyond defined buildable areas, if not encumbered by protected resources, except as specified in Division 10-02-005 in established districts. (Ord. 2001-14, 09-04-01) (Ord. 2002-15, 11-05-02)
- F. **ANIMALS.** Structures containing or housing animals (other than domestic dogs or cats) shall be located in accordance with City Code, Title 6 Chapter 3, "Animals." Within the Estate Residential (ER) Districts one (1) horse per ten thousand (10,000) square feet may be kept for the personal use of family members with a maximum of three (3) horses per lot. Adequate measures shall be taken to prevent odor, dust, noise, or drainage from becoming a health hazard or nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. The RR District permits the keeping of up to four (4) horses for the first acre, plus one (1) horse for each additional acre. (Ord. 2002-15, 11-05-02)
- G. **GRANNY FLAT.** These units shall be permitted as an accessory use to be constructed, either within a single-family residence (such as remodeling) or attached to a single-family residence by a continuous foundation and roof (such as an addition), or as a detached unit if on residential lots larger than one (1) acre, on a lot having a single-family detached house in a residentially zoned area and provided it meets the following standards (Ord. 2001-14, 09-04-01):

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1. The property shall be owner-occupied. Should the principal structure on the lot become a rental unit, then the owner shall be required to remove the granny flat, or maintain unit for occupancy and use by principal structure occupants only, unless the zoning district allows a duplex or multi-family development on the lot. (Ord. 2001-14, 09-04-01)
 2. The applicant shall submit an agreement with the City, limiting the use of the granny flat to a owner-occupied lot and agreeing to remove said granny flat or maintain unit for occupancy and use by principal structure occupants only, should the principal structure become a rental unit. (Ord. 2000-08, 6/6/00) (Ord. 2001-14, 09-04-01)
 3. All such granny flats shall be located on a conforming lot in terms of area and shall meet all applicable building setback requirements and shall provide one (1) off-street parking space that may be incorporated into the granny flat structure as a garage or carport. An allowance of 200 square feet is permitted for such parking space beyond granny flat maximum. (Ord. 2000-08, 6/6/00) (Ord. 2001-14, 09-04-01)
 4. Granny flats shall contain a kitchenette and bathroom and shall not exceed five hundred (500) square feet in liveable area and shall not exceed 650 square feet if on residential lots greater than one acre. (Ord. 2000-08, 6/6/00) (Ord. 2001-14, 09-04-01)
- H. **LIMITATION ON STRUCTURES.** No manufactured housing unit, mobile home, trailer, semi-trailer, bus, recreation vehicle, boxcar, or shipping container shall be used for an accessory building or structure, except that certain of such vehicles or structures may be used for appropriate temporary uses subject to a Temporary Use Permit. (See Section 10-03-004-0001). Shipping containers may be used in the I-2-E, I-3-E, and HI Districts as accessory storage buildings, subject to appropriate permits, or on any construction site for the temporary storage of materials. (Ord. 2000-08, 6/6/00)
- I. **TEMPORARY ACCESSORY USES.** Temporary, occasional, seasonal or periodic uses in connection with established retail stores or shopping centers, such as outdoor garden centers, sidewalk sales or sales promotions, are considered accessory uses and not subject to a Temporary Use Permit. (Ord. 2000-08, 6/6/00)
- J. **PERMANENT OUTDOOR USES.** Permanent, outdoor accessory uses, including nurseries, garden centers, or produce markets are permitted with the following conditions:
1. The accessory use is clearly incidental to the primary commercial use of the property.
 2. The accessory use shall not occupy more than ten percent (10%) of the total area of the site.
 3. The number of parking spaces shall not be reduced more than ten percent (10%) below the number of spaces required by Chapter 10-07 of this Ordinance, or more than ten percent (10%) of the spaces provided, whichever is applicable, to accommodate the accessory use.
 4. The accessory use shall be conducted only between the hours of 6 a.m. and 9 p.m., or during the established business hours of operation, whichever is shorter. (Ord. 2002-15, 11-05-02)

DIVISION 10-03-006. DETAILED USE REGULATIONS**10-03-006-0001. DETAILED USE REGULATIONS:**

These regulations are applicable to all zoning districts, including new and established "E" Districts, except as otherwise noted. In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses enumerated below.

- A. **AUTOMOBILE DEALERS.** Any outside display of vehicles for sale shall meet the required setback or bufferyard for the district along the street lot line.
- B. **HEAVY RETAIL.** All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products that would be considered as industrial or heavy industrial shall be prohibited in this use. For example, while auto or engine repair is permitted, the storage and disassembly of vehicles and the re-assembly of various parts are considered manufacturing (heavy industry). Junkyards are also considered heavy industry.
- C. **AUTOMOBILE REPAIR.** All activities involving automobile repair except top, body and upholstery repair shops, paint shops and tire retreading and repair shops, occurring in a location other than an automobile service station.
 - 1. All repair, parts storage, and work activities shall take place within a completely enclosed building.
 - 2. All storage of vehicles awaiting needed parts or repair shall be within the building or within a compound yard enclosed by a six (6) foot high solid fence or wall, except for driveway openings. (Ord. 1741, 3-17-92)
- D. **AUTOMOBILE SERVICE STATIONS.** All activities involving routine sales and service of the type that commonly occurs at automobile service stations.
 - 1. All repair services shall be performed within a completely enclosed building.
 - 2. All storage of vehicles awaiting needed parts shall be within the building or within a compound yard enclosed by a six (6) foot high solid fence or wall except for driveway openings.
 - 3. An automobile service station shall store all vehicle parts within a completely enclosed building. (Ord. 1741, 3-17-92)
- E. **COMMERCIAL APARTMENTS.** Commercial apartments are not required to be included in the floor area ratio calculations for a commercial building. This is not applicable to established "E" Districts. These units will not be permitted unless all of the conditions listed below are fulfilled:
 - 1. An outdoor balcony, area, or rooftop patio of not less than one hundred (100) square feet is provided for each unit.
 - 2. The maximum unit sizes are seven hundred (700) square feet for one (1) bedroom units, nine hundred (900) square feet for two (2) bedroom units, and eleven hundred (1,100) square feet for three (3) bedroom units. Larger units will also be allowed, provided at least fifty (50) percent of the units meet the size requirements specified above, and are subject to approval by the Planning Director. (Ord. 2000-08, 6/6/00)

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3. Commercial apartments are limited to one (1) or two (2) stories above or below the commercial building to which they are attached, for a maximum of three (3) stories. (Ord. 2000-08, 6/6/00)

- F. **PLANNED, AFFORDABLE.** This use is permitted as a matter of right in the Residential (R1), Urban Residential (UR), Medium Density Residential (MR), High Density Residential (HR), and Manufactured Housing (MH) Districts provided that the developer enter into a binding Development Agreement with the City under the terms and conditions of the City's Affordable Housing Set-Aside Policy and the Planned Affordable provisions in Chapter 4. See current Affordable Housing Set-Aside Policy available as a separate document from the Planning Division. Additionally, if the developer provides affordable housing in districts already zoned HR, MR, UR, MH, R1, SR, ER and/or RR, or is seeking rezoning to SR, ER, or RR, then all regulatory, procedural, and program incentives in this policy are applicable, provided that all other regulations of these districts are complied with. (Ord. 2001-14, 09-04-01) (Ord. 2002-15, 11-05-02)

In any event, utilization of any of the incentives of this policy is optional and shall only occur in the same zoning districts that provide a commensurate amount of affordable housing. (Ord. 2001-14, 09-04-01)

The process begins with an informal Development Review Board application and meeting wherein the intentions of the Developer are discussed to determine an appropriate course of action. For those applicants that need to pursue a rezoning in conjunction with their project, the Planning Director will assign the appropriate zoning district to apply for, based on an evaluation of the applicant's development concept plan and associated housing types and densities. Prior to scheduling such rezoning action for Planning Commission and City Council, the applicant shall submit a complete rezoning application per standard rezoning application requirements of the LDC. (Ord. 2001-14, 09-04-01)

For rezoning cases, regardless of whether the applicant chooses to proceed with or without the Planned Affordable option, the determination and assignment of the appropriate zoning district by the Planning Director shall assure conformance with the intent of the Affordable Housing Set-Aside Policy by assuring that zoning districts primarily designed and intended for small-lot and higher density townhouse and apartment housing projects, will not be inappropriately requested and utilized for large-lot single-family and low density projects, and result in circumvention of the density bonus thresholds of the appropriate district. (Ord. 2001-14, 09-04-01)

If the developer chooses not to proceed with the project under the Planned Affordable provisions of the Land Development Code and this policy, and still seeks rezoning approvals, will require minimum/maximum densities as outlined in Chapter 4 of the Land Development Code. (Ord. 2001-14, 09-04-01)

1. **Purpose.** The purpose of this Section is to provide a mechanism for the provision of affordable housing in Flagstaff. Accordingly, a density bonus has been provided to allow greater densities than normally allowed by the district. Additionally, regulatory procedural, and program incentives are made available, including specified resource protection reductions and other measures as outlined in the Affordable Housing Set-Aside Policy. This is done to effect a reduction in the costs of the development as a whole. It is not meant that these units be segregated into a separate area, but that they become an integral part of the neighborhood. Since there needs to be a method by which the public can be assured that density bonuses are being used solely to generate affordable housing options, procedures have been established in the City's Affordable Housing Set-Aside Policy, to guide the prospective applicant. (Ord. 2001-14, 09-04-01)
- G. **OUTDOOR STRUCTURES.** Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating areas shall be at least one hundred (100) feet from any lot line, exclusive of bufferyards.

10-03-006-0001**H. FENCES.**

1. Fences in Residential Districts. Fences are permitted in all of the residential districts on the property lines but shall in no case exceed a height of six (6) feet; shall not exceed a height of three (3) feet in the front yard; except that fences or walls up to six (6) feet in height are permitted in residential districts as part of the street bufferyard option, in addition to the bufferyard requirements listed in Table 10-06-003-0004.C. (See Section 10-07-003-0005 for regulations pertaining to sight lines at intersections.) (Ord. 1741, 3-17-92)
2. Fences in the Commercial Districts. Fences are permitted in the side and rear yards of districts on the property lines but shall in no case exceed a height of six (6) feet; and shall not be permitted in the front yard except as part of required bufferyard. (Section 10-06-003-0004). Chain link fencing is not permitted in the C-5-E District except as temporary fencing during construction. (See Section 10-07-003-0005 for regulations pertaining to sight lines at intersections.) (Ord. 1741, 3-17-92) (Ord. 2002-15, 11-05-02)
3. Fences in Industrial and Facility Districts. Fences are permitted in these districts on the property lines but shall in no case exceed a height of eight (8) feet including barbed wire. (See Section 10-07-003-0005 for regulations pertaining to sight lines at intersections.) (Ord. 1741, 3-17-92)
4. Use of Barbed Wire.
 - a. A minimum six (6) foot high screen all topped with barbed wire is required for high-voltage transformers and any other utility structures or equipment of potential hazard to residents or passersby. The barbed wire is not to extend beyond the property boundaries. Evergreen plant material a minimum height of five (5) feet shall be planted adjacent to the exterior of the wall or fence a minimum of every twenty (20) feet on center.
 - b. In the RR, RR-E, PL, and PLF Districts barbed wire fences shall be allowed. In the I-1-E, I-2-E, I3-E, LI and HI Districts barbed wire shall be allowed at the top of the fence which is a minimum of six (6) feet in height. No part of the barbed wire shall project beyond the property boundaries. (Ord. 2002-15, 11-05-02)
 - c. Concertina or razor wire fences and electric fences are not permitted. (Ord. 2002-15, 11-05-02)

I. SATELLITE DISH ANTENNAE. Satellite dishes are not permitted in front and exterior side setbacks, bufferyards, or parking areas.

J. ENCROACHMENTS INTO MINIMUM REQUIRED YARDS. The following structures shall be allowed to project into or be constructed in any minimum required yard (setback) as follows: awnings, canopies, decks, and open porches, carports and balconies, not to exceed five (5) feet into front, rear, and exterior side yards, and not to exceed two (2) feet into interior side yards; open stairways, not to exceed five (5) feet into rear and exterior side yards or two (2) feet into interior side yards; bay windows, open eaves, cornices, fireplaces, and window sills, not to exceed (2) feet; except in no case shall the encroachment exceed fifty (50) percent of the required setback. Clotheslines, basketball hoops and supporting poles, driveways and their curbs, fences, walls, retaining walls, and hedges may be constructed in minimum yard (setback) areas, provided that their installation does not violate any other provision of this Ordinance. See also Section 10-10-003-0005 for minor modifications of setbacks, building heights and lot coverage; however, buildings that are approved for setback modifications under that section shall not qualify for encroachments under this section. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)

K. ADDITIONAL DISTRICT PROVISIONS FOR THE ESTABLISHED (E) DISTRICTS AND THE NEW DISTRICTS: Modifications to Yard and Lot Area Calculations. (Ord. 1997, 6-15-99)

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1. Front and Side Yard Setback. When additional dedication for right-of-way is required by the City for lots of a recorded subdivision or other parcels, the affected front and/or exterior side yard setback requirements shall be reduced the same distance as that required for the dedication. (Ord. 1997, 6-15-99)
 2. Number of Units. When additional dedication for right-of-way is required by the City for lots of a recorded subdivision or other parcels, the number of units allowed shall be calculated on the basis of the lot or parcel areas before the required dedication, unless the City and the property owner negotiate a different number of units. (Ord. 1997, 6-15-99)
 3. When there exists a neighborhood with a majority of lots developed with residences with non-conforming setbacks, the Development Review Board may approve a modification to the setback requirements of this Code for new construction in conformance with the pattern established by the majority of the existing buildings in the same block. (Ord. 1997, 6-15-99)
- L. FRATERNITIES AND SORORITIES. Fraternity and sorority uses are allowed only within a half (1/2) mile perimeter of a university campus.
- M. HOME OCCUPATIONS. See Section 10-14-004-0001 for the definition of "home occupation". The following shall be additional standards to regulate home occupations: (Ord. 1997, 6-15-99)
1. The use of the dwelling for a home occupation shall in no way destroy or be incompatible with the residential character of the dwelling or the neighborhood.
 2. The home occupation shall be conducted only inside the dwelling or inside an accessory building or garage.
 3. The business shall be conducted by a resident or residents of the dwelling with no more than one (1) outside employee coming to the residence.
 4. No more than twenty (20) percent of the total floor area of the dwelling shall be used for the home occupation.
 5. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, provided this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located. (Ord. 1741, 3-17-92)
 6. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation. (Ord. 1741, 3-17-92)
 7. Only one (1) sign, which shall not be over two (2) square feet, may be used to identify a home occupation. Said sign shall be placed within a window or flat against the wall of the residence. (Ord. 1741, 3-17-92)
 8. No more than two (2) home occupations shall be carried on in a single residence, provided that together they do not exceed the twenty (20) percent area limitation in #4 above, or violate any other conditions specified in this Section. (Ord. 1997, 6-15-99)
 9. The home occupation shall not be conducted in such a manner or advertised in such a way as to attract consumer traffic or other non-residential traffic. (Ord. 1741, 3-17-92)
 10. A home occupation shall not utilize flammable liquids or hazardous materials in quantities not customary to a residential use.

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11. No more than one (1) motor vehicle, or vehicle-trailer combination, not exceeding a gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds shall be stored at a residence and/or used in connection with a home occupation. (Ord. 1741, 3-17-92) (Ord. 1997, 6-15-99)
 12. A home occupation requires the issuance of a Home Occupation Permit and a Privilege License from the City of Flagstaff prior to commencement of the home occupation.
- N. **OUTDOOR DISPLAY.** Outdoor display of patio furniture and garden supplies is permitted.
- O. **AUTOMOBILE, GO-KART, MINIATURE AUTO RACING, AND DRIVING TRACKS.** An automobile track shall be located not less than five hundred (500) feet from any residential district unless enclosed by a solid fence or wall at least six (6) feet high, but in no case shall a track be located less than two hundred (200) feet from a residential district.
- P. **CHURCHES/COMMUNITY CENTERS.** A church, synagogue, temple, including Sunday school facilities, shall be subject to the following condition:
1. **Vehicular Access:** When located in an R District or on a lot contiguous to an R District, such facility shall have its principal vehicular entrance and exit on an arterial or collector street or on another thoroughfare within five hundred (500) feet of its intersection with an arterial or collector street.
- Q. **BED AND BREAKFAST ESTABLISHMENTS.** These establishments may use up to four (4) bedrooms for this purpose, with additional paved parking to be provided at the rate of one (1) space per two (2) bedrooms used for this use.
- R. **GROUP HOMES.** There shall be one (1) off-street parking space for each automobile owned by occupants and maintained on the premises.
- S. **SMALL UNIT SINGLE-FAMILY.** These units may be built in the new zoning districts in which they are permitted, as indicated in Table 10-03-001-0003, and in the R-1-E, RM-L-E, RM-M-E, C-2-E, and C-3-E districts, provided that said small family units meet all the locational, area, and lot requirements of this Section. Small unit single-family as described in this Ordinance, can take three (3) different forms: atrium units, bungalows, or cottages. The densities listed in subsections 5, 6 and 7 below supersede those normally allowed in the Zoning districts listed above, and in Table 10-04-002-0003. (Ord. 2000-08, 6/6/00)
1. In R-1-E and RM-L-E Districts, said small unit single-family shall be located on land adjoining a commercial zoning district, or on/or adjoining a church with church ownership, or within one thousand (1,000) feet of a university.
 2. No more than twenty (20) such units shall be allowed on any one (1) parcel of land or lot.
 3. No more than forty (40) such units shall be permitted on two (2) or more sites within a four hundred (400) foot radius of any parcel or lot containing this use.
 4. All small unit single-family units with more than one (1) bedroom shall have at least one and a half (1.5) parking spaces per unit, except where housing includes units for elderly residents, where at least one (1) member of the household is at least sixty-five (65) years old. In this case, parking may be reduced to one (1) space per "elderly" unit if written assurance is given by the property owner that these units will continue to be used as such. Also, only one (1) parking space is required for one (1) bedroom unit, regardless of occupancy. (Ord. 2000-08, 6/6/00) (Ord. 2002-15, 11-05-02)

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5. The atrium house type dwelling unit shall be a one-story attached dwelling unit that shall not exceed seven hundred (700) square feet in total floor area and shall have a private exterior walled yard of one hundred forty-four (144) square feet. Side yards adjoining a residential lot shall be identical to the minimums required for the district in which said atrium house is located. The front and rear yards shall be a minimum of six (6) feet. The maximum density of the atrium house type shall be twenty-six (26) dwelling units per acre. See Illustration 10-03-006-0001.S. (Ord. 2000-08, 6/6/00)
6. The bungalow type dwelling unit shall be a one-story fully detached dwelling unit, not exceeding eighteen (18) feet in height, with a maximum floor area of seven hundred (700) square feet. The side yard adjoining residential lots shall be equal to that required for the zoning district in which said bungalow type is located. Front and rear yards shall be a minimum of fifteen (15) feet. The minimum building spacing shall be twelve (12) feet. The maximum density of bungalows shall be sixteen (16) dwelling units per acre. See Illustration 10-03-006-0001.S. (Ord. 2000-08, 6/6/00)
7. The cottage-type dwelling unit shall be a two-story fully detached dwelling unit not to exceed eight hundred fifty (850) square feet in floor area. The side yard adjoining residential lots shall be equal to that required for the zoning district in which said cottage-type dwelling is located. Front and rear yards shall be minimum of fifteen (15) feet. The building spacing shall be fifteen (15) feet. The maximum density of the cottage-type dwelling unit shall be twelve (12) dwelling units per acre. See Illustration 10-03-006.0001S.

ILLUSTRATION 10-03-006-0001.S.
ATRIUM, BUNGALOW AND COTTAGE DWELLING UNITS

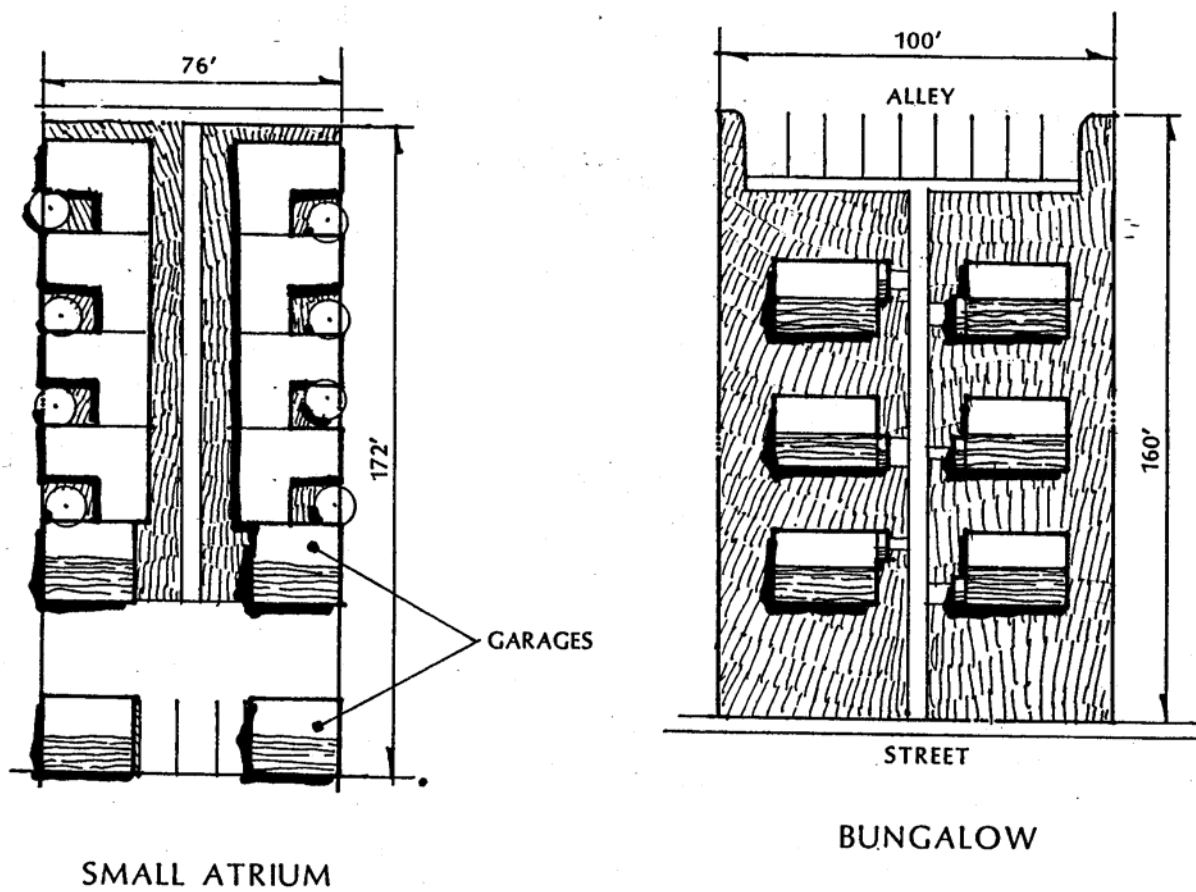
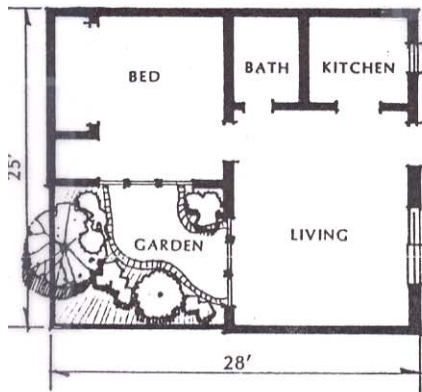
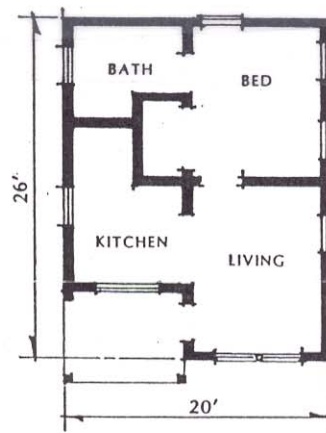


ILLUSTRATION 10-03-006-0001.S. continued)



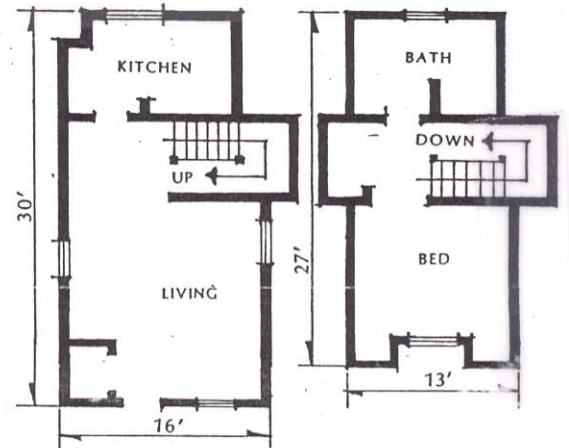
SAMPLE UNIT SIZE: 567 sq. ft.
700 sq. ft. MAX

SMALL ATRIUM



SAMPLE UNIT SIZE: 495 sq. ft.
700 sq. ft. MAX

BUNGALOW



SAMPLE UNIT SIZE: 848 sq. ft.
850 sq. ft. MAX

COTTAGE

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- T. SECONDARY SINGLE-FAMILY DWELLINGS. These are existing detached residential units at the time of adoption of this ordinance, in the RML-E, RMM-E, and RMMO-E Zoning Districts, which are established either as second units on existing lots or parcels, or in connection with Minor Land Divisions or land splits for existing improvements, whichever is applicable. These dwellings are subject to the following conditions (Ord. 2002-15, 11-05-02):
1. Standards. Two (2) detached dwelling units may exist and be maintained as principal buildings on a lot or parcel which has frontage on, and access to, a public street. If the parcel is proposed to be divided, each remaining parcel shall have frontage on, and/or legal access to, a public street or alley. The following standards shall also be met, unless a modification of up to five percent (5%) of any standard is approved by the Planning Director:
 - a. Lot size and dimension requirements shall be modified as follows:
 - (1) Lot size. In both the RML-E and RMM-E Districts, the minimum lot size for purposes of this section shall be six thousand (6000) square feet, and the minimum lot size in the RMMO-E District shall be five thousand (5000) square feet. If the parcel is proposed to be divided, the smaller of the two remaining parcels shall be at least forty (40) percent of the original parcel or two thousand four hundred (2400) square feet, whichever is larger.
 - (2) Lot width. For purposes of this section the minimum lot width shall be fifty (50) feet. If the parcel is proposed to be divided, the smaller of the two remaining parcels shall have a lot width of at least forty (40) feet.
 - (3) Lot depth. For purposes of this section the minimum lot depth shall be seventy-five (75) feet. If the parcel is proposed to be divided, the smaller of the two remaining parcels shall have a lot depth of at least forty (40) feet.
 - b. Lot coverage. Maximum lot coverage shall be forty (40) percent. If the parcel is proposed to be divided, each remaining parcel shall have a maximum lot coverage of 40%.
 - c. Distance between buildings. Existing residential units shall maintain the building separation requirements of the applicable Sections for the RML-E, RMM-E and RMMO-E Districts, respectively, to the maximum extent possible. If the parcel is proposed to be divided, the new property line shall be drawn in such a manner as to divide this distance approximately equally between the two new parcels, but in no case shall a new property line be drawn or permitted which would not meet Uniform Building Code requirements.
 - d. Utilities. If the parcel is proposed to be divided, each residential unit shall be provided with separate utility services in approved locations, subject to the provision of utility easements as necessary.
 2. Parcel Division. If two residential units exist on a parcel in conformance with subsection "1" above, such parcels may be divided, upon application through the Minor Land Division procedure set forth in Division 10-11-013 of this Code, or land split procedure outlined in "3" below, into two (2) separate parcels, one (1) for each residential unit, if the following requirements are met (Ord. 2002-15, 11-05-02):
 - a. The smaller of the two (2) parcels is at least forty (40) percent of the square footage of the original parcel, unless modified under 1 above;
 - b. The lot line created between the two (2) residential units shall be substantially perpendicular to the side lot lines if the buildings are located in the front and rear portions of the original parcel, or to the front and rear lot lines if the buildings are located side by side;

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- c. The division complies with the Minor Land Division requirements of Chapter 11, "Subdivision and Minor Land Division Regulations", except as modified by this section for development standards in the RML-E, RMM-E and RMMO-E Districts.
 - d. The City/Subdivider Agreement required with the Minor Land Division addresses applicable public improvements, and these improvements are installed per the Public Improvements Ordinance and the Engineering Standards. (Ord. 2000-08, 6/6/00)
 - 3. If the proposed property division meets the requirements of Section 10-11-013-0002.B.2 where the parcel boundaries are set by a recorded plat and all public improvements exist along the entire frontage of the property prior to splitting, then such division may be processed as a land split rather than a Minor Land Division, after a site plan is approved by the Development Review Board. (Ord. 2002-15, 11-05-02)
- U. BUSINESS PARKS. The following shall be additional standards for uses occupying the BP or BPI Districts:
- 1. In the "BP" or "BPI" Districts, Commercial Services, Restaurants, and Commercial Lodging Facilities as listed in Table 10-03-001-0003 shall be limited to a maximum of ten (10) percent of the net building site area determined by Section 10-04-004-0005. The above mentioned uses shall be permitted only in conjunction with the establishment of a business park use as identified in Section 10-03-002-0006.A. Automobile Service Stations are also permitted as a conditional use, subject to the ten (10) percent limitation in the preceding sentence, the provisions of Section 10-10-004-0004 for Conditional Uses, and the provisions of Section 10-03-006-0001.D. for Automobile Service Stations. (Ord. 2001-13, 7/17/01) (Ord. 2002-15, 11-05-02)
 - 2. All equipment, material storage, and uses located in the BP or BPI District shall be performed or carried out entirely within an enclosed building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lot or property, such as, but not limited to vibration, sound, electromechanical disturbances, electromagnetic disturbances, radiation, air or water pollution, dust, or "emission of odorous, toxic, or non-toxic matter" (including steam), nor create a potential for explosion or other hazard. The Planning Director may approve certain activities which cannot be carried on within a building provided such activity is screened so as not to be visible from neighboring property and streets. (Ord. 2002-15, 11-05-02)
 - 3. Any use established or conducted within the BP or BPI Districts shall comply with the following standards: (Ord. 2002-15, 11-05-02)
 - a. Smoke, gas, and odor emissions shall comply with the most current standards of the Arizona Department of Environmental Quality Air Pollution Control Rules and Regulations;
 - b. The disposal of all waste materials shall comply with the Hazardous Waste Regulations of the Arizona Department of Environmental Quality;
 - c. As a prerequisite of site plan approval the property owner shall inform the Arizona Department of Environmental Quality of all development proposals. Written recommendation from ADEQ shall be transmitted to the Planning Division with the site plan application.
 - 4. Explosive or hazardous processes: Certification shall be provided by the Flagstaff Fire Department Prevention Bureau that all manufacturing storage and waste processes on the site shall meet safety standards. (Ord. 1741, 3-17-92)

10-03-006-0001**V. MINI-STORAGE**

1. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.
2. Maximum leasable space per tenant shall be 1,000 square feet.
3. Outdoor storage, or the storage of junk, explosives, or flammable materials, and other noxious or dangerous materials are specifically prohibited.
4. There shall be a minimum of twenty-one (21) feet between warehouse buildings for driveway, parking, and fire lane purposes.
5. All storage shall be within an enclosed building except that within the compound of a self-storage warehouse where operable recreational vehicles and motor vehicles may be placed in outdoor storage areas which are separated from view from adjacent streets and property by a six (6) foot high solid wall or fence. Outdoor R.V. storage areas shall not exceed 10% of the gross site area. (Ord. 1741, 3-17-92)

W. AUTOMOBILE TOP, BODY, AND UPHOLSTERY REPAIR SHOPS, PAINT SHOPS, AND TIRE RETREADING AND REPAIR SHOPS

1. All storage of vehicles awaiting needed parts shall be within the building or within a compound yard enclosed by a six (6) foot high solid fence or wall except for driveway openings. (Ord. 1741, 3-17-92)

X. COMMERCIAL PARKING LOTS. This use, where permitted, is designed for the temporary parking of automobiles, usually on an hourly, daily, or monthly contract or fee basis. (Ord. 1997, 6-15-99)

1. Such lots shall be paved, striped, landscaped and maintained in a dust-free and litter-free condition at all times, and meet all the requirements of the Code. (Ord. 1997, 6-15-99)
2. Such lots shall be designed to accommodate passenger cars and light trucks only, unless a separate area is set aside and designed for larger vehicles. (Ord. 1997, 6-15-99)

Y. WAREHOUSE AND STORAGE OPERATIONS. This use, where permitted, includes outdoor storage provided the entire storage yard is screened by a minimum six (6)-foot high solid fence or wall, or chain link fencing with slats. Outdoor storage includes storage yards for Recreation Vehicles, boats, trailers, and contractors storage and supply yards. Surfacing requirements are to be determined by the Development Review Board, based upon the intensity of use, and may range from pavement to a permeable, dust-free, weed-free surface (e.g. gravel). Any expansions of existing storage yards or buildings with storage yards, of twenty-five (25) percent or more in area, shall also provide screening for the entire yard area. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)***DIVISION 10-03-007. USES NOT PERMITTED WITHIN CORPORATE LIMITS*****10-03-007-0001. USES NOT PERMITTED WITHIN CORPORATE LIMITS.****A. PROHIBITED USES.**

Notwithstanding anything to the contrary contained in the *Land Development Code*, the following uses are, unless specifically authorized by the City Council, prohibited in the City of Flagstaff.

10-03-007-0001

1. Use of any land for the installation and/or display of off-premise sign(s). For purposes of this section, an off-premise sign is defined as a sign that directs attention for a commercial purpose to a business, commodity, service, entertainment, product, structure, commercial use, or property different from a structure of use existing on the property where the sign is located. Notwithstanding anything to the contrary, a non-commercial message is permitted on any sign where a commercial message is permitted. (Ord. 1903, 12-19-95)
2. Coking ovens. (Ord. 1997, 6-15-99)
3. Class A, Class B, and Class C explosives, including detonators and detonating cord, and blasting agents, fireworks, black powder and ammunition plants (manufacturing and permanent storage). This section does not preclude limited storage of explosives as regulated by the Fire Code. (Ord. 1997, 6-15-99)
4. Manufacture of sulfuric acid, phosphoric acid, phosphates, coal tar products and any other primary chemicals. (Ord. 1997, 6-15-99)
5. Incineration and/or reduction of solid waste, sewage, offal and dead animals, except a mechanical process for the biological decomposition of solid waste. (Ord. 1997, 6-15-99)
6. Match factories. (Ord. 1997, 6-15-99)
7. Oil refineries. (Ord. 1997, 6-15-99)
8. Smelters and reduction of metals from their ores by heat. (Ord. 1997, 6-15-99)
9. Steel plants including rolling mills, sheets and plate mills, wire and tube mills. (Ord. 1997, 6-15-99)
10. Thermal treatment of contaminated soil or debris or storage of contaminated soil brought from off site, not including air pollution control of environmental remediation facilities. (Ord. 1997, 6-15-99)

B. AUTHORIZATION WITH STIPULATIONS.

Authorization by City Council of any of the otherwise prohibited uses listed in paragraph A above may be conditioned upon compliance with stipulations controlling, regulating, restricting, or prohibiting the production or emission of odors, dust, gas, noise, vibration, smoke, heat or glare, and such authorization may include other stipulations calculated to assure compatibility of the authorized use with adjacent property, the neighborhood and the public welfare in general. (Ord. 1997, 6-15-99)

C. FAILURE TO COMPLY.

Failure to comply with any of the conditions described in paragraph B may result in revocation by City Council of a specific authorization. (Ord. 1997, 6-15-99)

DIVISION 10-03-008. USES IN THE AIRPORT OVERLAY DISTRICT (AO)**10-03-008-0001. ESTABLISHMENT OF AIRPORT NOISE IMPACT AREAS AND CLEAR ZONE AREAS:****A. AIRPORT NOISE IMPACT AREAS.**

1. Airport Noise Impact Areas shall be established in order to distinguish between the severity of the levels of noise impact so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise to protect the public health, safety, and welfare.
 - a. Noise levels shall be classified into noise zones, and the Day-Night Average Sound Level (DNL) classifications shall be used for all noise sources. DNL shall be mathematically symbolized as Ldn.
 - b. For the purpose of administering these regulations, there shall be three (3) Airport Noise Impact Areas as follows:
 - (1) AP-1 for areas of Ldn 60-65.
 - (2) AP-2 for areas of Ldn 65-70.
 - (3) AP-3 for areas of Ldn 70-75.

The only Noise Impact Area shown on the Zoning Map is b.(1) above. Changes of Noise Impact Areas will occur automatically with Airport Master Plan Updates.

B. CLEAR ZONE (CZ) AREA. For the purposes of administering these regulations, there shall be one (1) Clear Zone (CZ) Area in order to regulate area height limitations. (See Division 10-03-009.)**10-03-008-0002. USES AND NOISE LEVEL REDUCTION:**

- A. All uses shall be permitted by right in the underlying zoning district(s), except as qualified by Table 10-03-008-0002.
- B. All uses shall be permitted by Conditional Use Permit in the underlying zoning district(s), except as qualified by Table 10-03-008-0002.
- C. **USE LIMITATIONS AND NOISE LEVEL REDUCTION (NLR) STANDARDS.** In addition to the use limitations presented for the zoning district(s) in which an Airport Noise Impact Area is located, the following use limitations shall apply:
 1. Uses within this district shall be permitted only in accordance with the Land Use Compatibility Guidelines, Table 10-03-008-0002.
 2. In those instances where a proposed use is not listed in Table 10-03-008-0002, the Zoning Administrator shall use Table 10-03-008-0002 as a guide to determine which use is most similar and which provisions of Table 10-03-008-0002 are applicable.
 3. Where a structure contains different occupants or tenants, the more stringent requirements of Table 10-03-008-0002 shall apply, except where it is architecturally possible to achieve the interior noise levels specified in Table 10-03-008-0002 for the area occupied by each occupant or tenant.

TABLE 10-03-008-0002
LAND USE COMPATIBILITY GUIDELINES:

Land Use		Airport Noise Impact Areas (DNL Levels in Ldn)		
SIC No.	Name	AP-1 60-65	AP-2 65-70	AP-3 70-75
	Ranching and Forestry Uses:	Y ⁴	Y ⁴	Y ⁵
	Residential:			
	Single-Family	25	25 ¹	N
	Cluster	25	25 ¹	N
	Planned	25	25 ¹	N
	Manufactured Housing	N	N	N
	Commercial Apartments	25	25 ¹	N
	Fraternities/Sororities	25	25 ¹	N
	Industrial Uses:	Y	Y	Y ²
	Extraction/Disposal Uses:	Y	Y	Y
	Commercial Retail:	Y	Y	Y ⁵
	Heavy Retail/Heavy Services:	Y	Y	Y ²
	Offices and Services:	Y	Y	Y
	Institutional Uses:			
805-	Hospitals, nursing homes	N	N	N
806	Other medical facilities	Y	Y	25
	Governmental	Y*	Y*	25*
82	Educational	N	N	N

TABLE CONTINUED ON NEXT PAGE

TABLE 10-03-008-0002 (CONTINUED)
LAND USE COMPATIBILITY GUIDELINES:

Land Use		Airport Noise Impact Areas (DNL Levels in Ldn)		
SIC No.	Name	AP-1 60-65	AP-2 65-70	AP-3 70-75
89	Miscellaneous	Y	Y	25
	Institutional (cont.)			
	Other Institutional Uses--			
	Cultural, including churches	Y*	25*	30*
	Nature exhibits	Y*	Y*	N
	Public assembly	Y	Y	N
	Auditoriums, concert halls	Y	25	30
	Outdoor music shells,			
	Amphitheaters	Y*	N	N
	Outdoor sports arenas,			
	Spectator sports	Y	Y ³	Y ³
79	Amusements	Y	Y	Y
	Rec			
	(incl. golf courses, riding			
	stables, water recreation)	Y*	Y*	25*
	Resorts and group camps	Y*	Y*	N
	Parks	Y*	Y*	Y*
	Other cultural			
	Entertainment			
	and recreational	Y*	Y*	Y*

NOTES FOR TABLE 10-03-008-0002

SIC Standard Industrial Classification Manual (1987 Edition).

Y Yes. Land use and related structures compatible without restrictions.

Y* Yes, with restrictions. (See note 2).

N No. Land use and related structures are not compatible and shall be prohibited.

NLR Noise Level Reduction. NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

* The designation of these uses as "compatible" in this area reflects individual Federal Agencies' consideration of general cost and feasibility factors, as well as past community experiences and program objectives.

25 or 30 Land use and related structures generally compatible; measures to achieve NLR of 25 dB, or 30 dB, must be incorporated into design and construction of structure.

25*or 30* Land use generally compatible with NLR; however, measures to achieve an overall reduction do not necessarily solve noise difficulties and additional evaluation is warranted.

10-03-008-0002

1.
 - a. Although local conditions may require residential use, it is discouraged in AP.2 and strongly discouraged in AP.3. The absence of viable alternative development options should be determined and an evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited in these areas should be conducted prior to approvals.
 - b. Where the City determines that residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB (AP-2) and 30 dB (AP-3) should be incorporated into building codes and be considered in individual approvals. Normal construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels.
 - c. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.
2. Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
3. Land use compatible provided special sound reinforcement systems are installed which mitigate indoor sound impacts.
4. These buildings intended for human occupancy require a NLR of 25 dB.
5. Residential buildings require a NLR of 30 dB.

DIVISION 10-03-009. PULLIAM AIRPORT AREA HEIGHT LIMITATIONS**10-03-009-0001. PULLIAM AIRPORT AREA HEIGHT LIMITATIONS:**

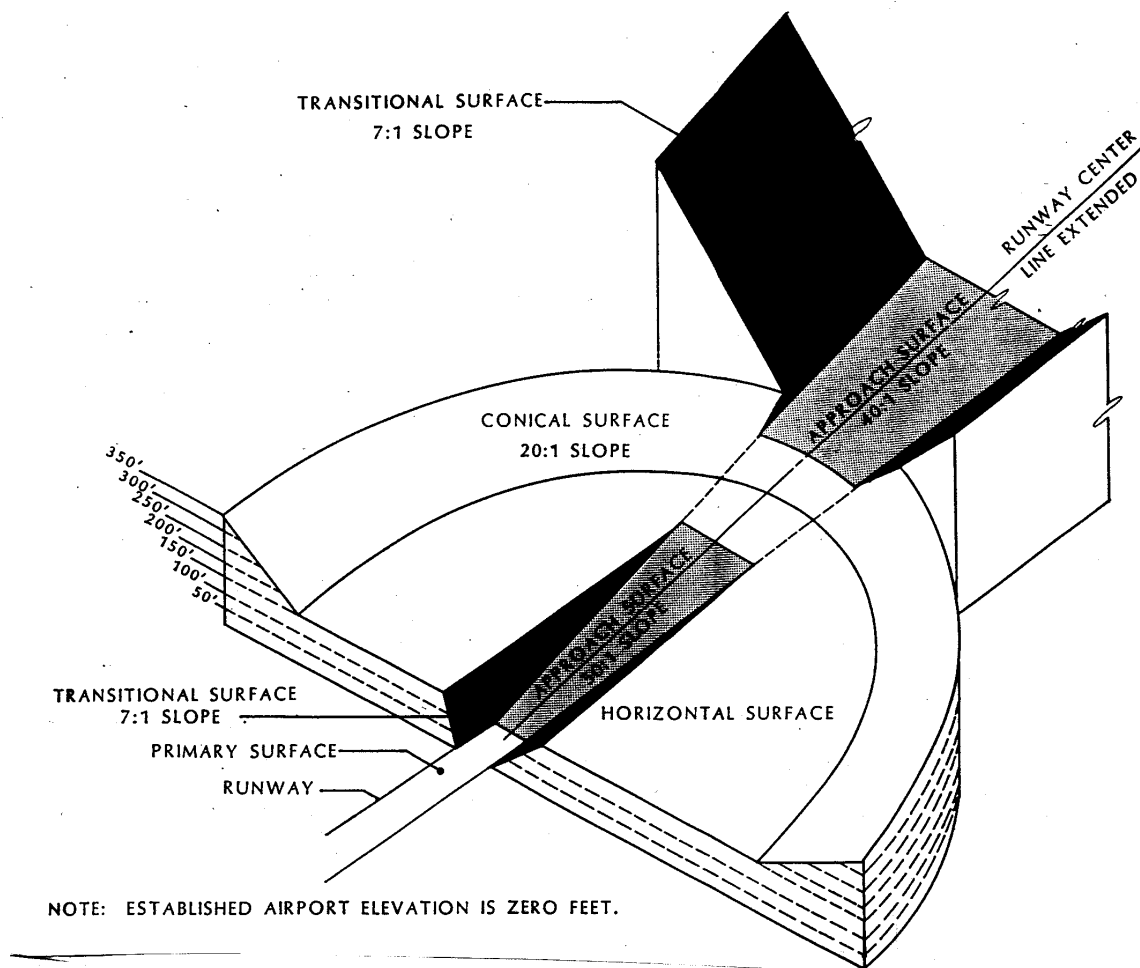
- A. In order to carry out the provisions of this Ordinance, there are hereby created and established certain airport zones and surfaces. These zones are shown on Illustration 10-03-009-0001. An area located in more than one of the following zones or surfaces shall be considered to be only in the zone or surface with the more restrictive height limitation.
- B. Except as otherwise provided, no structure shall be constructed or maintained, or tree permitted to grow within any zone or surface created herein in excess of the height limitation established herein. In addition, no structure or obstruction will be permitted that would cause a minimum obstruction clearance altitude, a minimum descent altitude, or a decision height to be raised.
- C. The following zones and surface height limitations are hereby established for Pulliam Airport as presented in Illustration 10-03-009. Base elevations for the runway, primary surface, and other appropriate areas shall be based upon data contained in Drawings No.5 (pp. 6-16) and No. 6 (pp. 6-19) for clear zone areas of the Airport Master Plan Update for Pulliam Airport, Flagstaff, Arizona prepared by Coffman Associates, Airport Consultants and dated October 1, 1984, including any subsequent amendments, and data contained in Part 77, Airspace Height Limitation of Plan.
 1. Primary Surface. An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width determined by Drawings No.5 (p. 6-16) and No. 6 (p. 6-19) for clear zone areas of the Airport Master Plan Update for Pulliam Airport, Flagstaff, Arizona prepared by Coffman Associates, Airport Consultants and dated October 1, 1984, including subsequent amendments. No structure or obstruction will be permitted within the primary surface

10-03-009-0001

that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway center line.

2. Runway Clear Zone. A trapezoidal area at ground level, under the control of the airport authorities, for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people. The runway clear zone is the same width as the primary surface and begins at the end of the primary surface and is centered upon the extended runway centerline. The length and width are determined by Drawings No. 5 (pp. 6-16) and No. 6 (pp. 6-19) for clear zone areas of the Airport Master Plan Update for Pulliam Airport, Flagstaff, Arizona prepared by Coffman Associates, Airport Consultants and dated October 1, 1984, including any subsequent amendments.

ILLUSTRATION 10-03-009
PERSPECTIVE VIEW OF IMAGINARY SURFACES
USED TO DEFINE AIRSPACE IN THE VICINITY OF PULLIAM AIRPORT



10-03-009-0001

3. **Horizontal Surface.** The area around Pulliam Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent area by lines tangent to those arcs as specified in Drawings No. 5 (pp. 6-16) and No. 6 (pp. 6-19) for clear zone areas of the Airport Master Plan Update for Pulliam Airport, Flagstaff, Arizona prepared by Coffman Associates, Airport Consultants.
4. **Conical Surface.** The area extending outward from the periphery of the horizontal surface for a distance of four thousand (4,000) feet. Height limitations for structures in the conical surface are one hundred fifty (150) feet above airport height at the inner boundary and increases one (1) foot vertically for every twenty (20) feet horizontally to a height of three hundred fifty (350) feet above airport height at the outer boundary.
5. **Approach Surface.** An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach surface is designated for each runway based upon the type of approach available or planned for at the runway end. The inner edge of the approach surface is the same width as the primary surface and expands uniformly to a width for each runway as specified in Drawings No.5 (pp. 6-16) and No. 6 (pp. 6-19) for clear zone areas of the Airport Master Plan Update for Pulliam Airport, Flagstaff, Arizona prepared by Coffman Associates, Airport Consultants.
6. **Transitional Surface.** The area extending outward from the sides of the primary surface and approach surfaces and connecting them to the horizontal surface. Height limits within the transitional surface are the same as the primary surface or approach surface at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and the extended centerline, until the height matches the height of the horizontal surface or conical surface. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

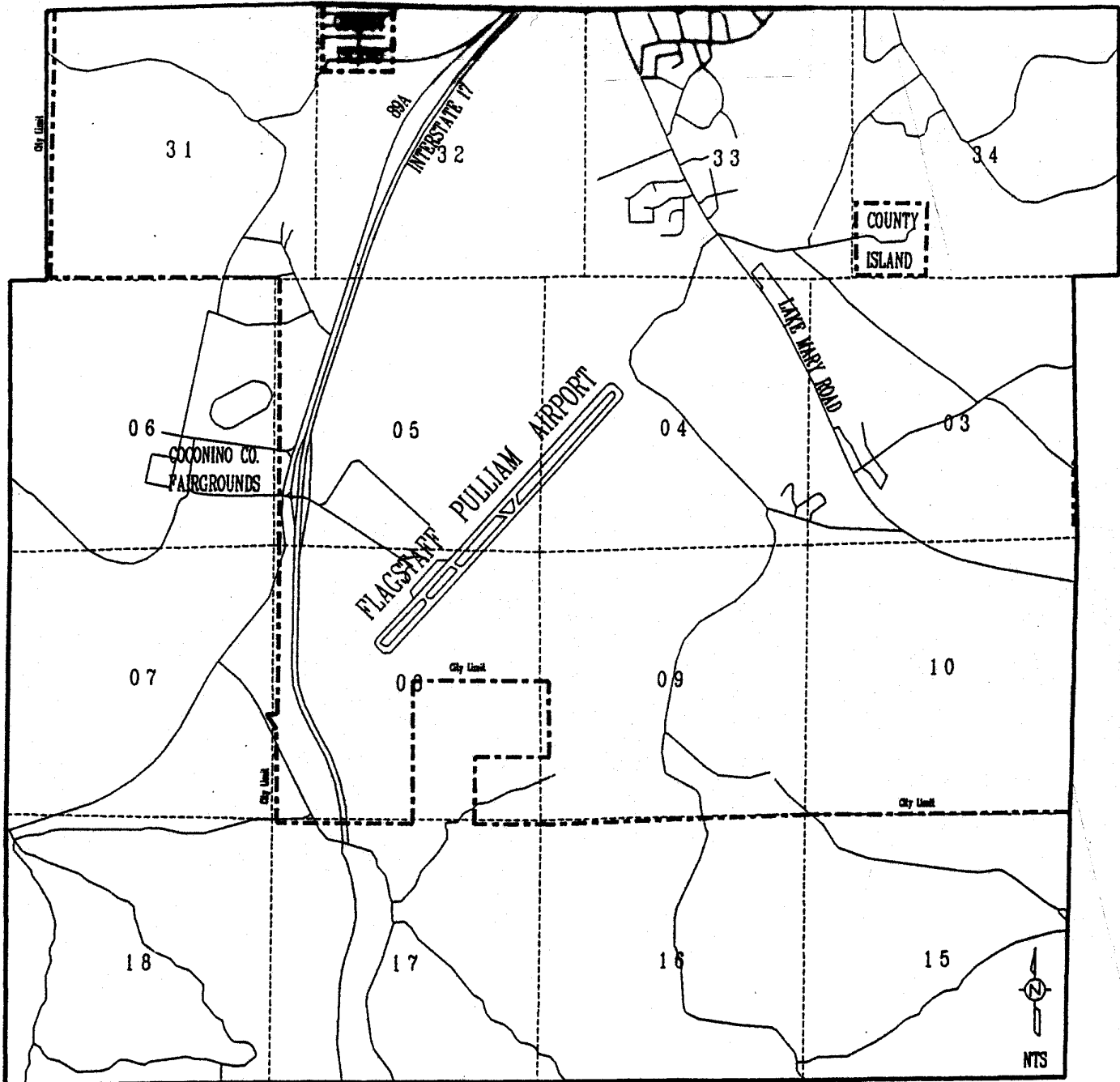
10-03-009-0002. PULLIAM AIRPORT AVIGATION AREA ZONE AND AVIGATION EASEMENT POLICY:

- A. **PURPOSE.** The purpose of the Avigation Area Zone and Avigation Easement Policy is to preserve the public investment in the Pulliam Airport facility and operations including, but not limited to, air transportation and emergency air services by protecting the Airport from continued encroachment from development in areas surrounding the Airport. (Ord. 1867, 9-19-95)
- B. **AVIGATION AREA ZONE.** The Avigation Area Zone shall include all real property located within the approximately one square mile radius from all sides of the Airport property inclusive of all land located in Township 21 North, Range 7 East, Sections 31, 32, 33, 34 and Township 20 North, Range 7 East, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16 17, and 18 (see maps depicting the Avigation Area Zone attached hereto as Exhibit "I"). The scope of the Avigation Area Zone is reasonable in light of the predictable wind conditions existing in the Flagstaff area and in light of the configuration of the conical surface approved by the Federal Aviation Administration for the Airport. (Ord. 1867, 9-19-95)
- C. **AVIGATION EASEMENT POLICY.** The owner or owners of property located within the Avigation Area Zone shall dedicate an avigation easement to the City of Flagstaff prior to the finalization of one or more of the following events:
 1. Annexation into the City of Flagstaff.
 2. Rezoning for uses permitted under the City's *Land Development Code* including all overlay districts.
 3. Approval of a subdivision plat or replat.

10-03-009-0002

4. Approval of a conditional use permit request.
 5. Approval of a variance report.
 6. Approval of a lot split application.
 7. Approval of a general plan amendment.
 8. Issuance of a building permit for a residential dwelling unit wherein the proposed construction activity is equal to or in excess of one of the following conditions:
 - a. 50% of the existing square footage of the dwelling unit; or
 - b. 50% of the appraised value of the dwelling unit as set forth in the records of the Coconino County Assessor's Office. (Ord. 1867, 9-19-95)
- D. AVIGATION EASEMENT. The Avigation Easement shall include all air space extending over the properties from 350 feet above the surface level of the properties to an infinite height above the properties. The Avigation Easement shall be in a form similar to the sample Avigation Easement attached hereto (see Exhibit "2" attached hereto), or as otherwise approved by the City Attorney's Office. (Ord. 1867, 9-19-95)
- E. APPEAL. The landowner may appeal the requirements established by the *Land Development Code* to a Civil Hearing Officer in accordance with the provisions set forth in Section 10-09-007-0001 of the Flagstaff *Land Development Code* and A.R.S. §9-500.12. In the event conflicts exist between the provisions contained in the Flagstaff City Code and the Arizona Revised Statutes relative to landowner's right to appeal the dedication requirements imposed by this Code, the provisions set forth in the Arizona Revised Statutes shall control. (Ord. 1867, 9-19-95)

AVIGATION EASEMENT MAP
EXHIBIT 1



FLAGSTAFF PULLIAM AIRPORT
AVIGATION SURFACE AREA

AVIGATION EASEMENT AGREEMENT
EXHIBIT 2

AVIGATION EASEMENT AGREEMENT

This Avigation Easement Agreement (the "Agreement") is made this _____ day of _____, 199__, between _____, (the "Grantor") and the City of Flagstaff, a municipal corporation, organized and existing under and by virtue of the laws of the State of Arizona (the "City").

RECITALS:

A. Grantor is the owner of that certain parcel of land situated in the County of Coconino, State of Arizona, more particularly described and set forth in Exhibit "A" attached hereto and incorporated by reference herein (the "Property").

B. Grantor desires to obtain the City's approval for one or more of the following legislative and/or administrative actions respecting Grantor's property: Annexation; rezoning; subdivision plat or replat, conditional use permit; variance; lot split; general plan amendment; building permit or certificate of occupancy in accordance with the policies set forth in the City's Land Development Code (the "Code").

C. Grantor desires to grant to the City an avigation easement in accordance with the provisions of the Code.

D. Grantor and City acknowledge that an essential nexus exists between the City's Avigation Easement policy as set forth in the Code and the City's need to protect the public's investment in the Airport improvements, to maintain and enhance flight operations of the Airport for the benefit of the public, and to ensure the compatibility of the proposed use with the existing and future operations of the Airport. The parties further acknowledge that developing and/or utilizing properties in close proximity to airports leads to complaints by the new residents or businesses concerning aircraft noise. Therefore, Grantor acknowledges that a rough proportionality exists between the City's Avigation Easement Policy and the impact that Grantor's use would have on the Airport.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Grantor hereby grants to the City for the benefit of the public a perpetual and exclusive easement to utilize the airspace 350 feet or higher above the Property for avigation purposes (the "Easement"). Said Easement shall be used by the City for the passage of aircraft in connection with the existing and future flight operations of the Flagstaff Pulliam Airport (the "Airport"). Grantor specifically

acknowledges that the **Easement** will be utilized for overflights above the

ACCEPTANCE

The City of Flagstaff, Arizona, a municipal corporation, does hereby accept the foregoing grant and easement and the terms and conditions thereof.

IN WITNESS WHEREOF, the City of Flagstaff has caused this acceptance to be executed by its Mayor pursuant to authority granted by its City Council, this _____ day of _____, 199__.

CITY OF FLAGSTAFF

By _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

agreement, the term "Aircraft" shall include any device presently known or hereafter invented, used or designated for navigation of or flight in, the air.

6. Grantor agrees that it will not conduct or permit any use to be developed or operated on the Property that causes a discharge into the air of fumes, smoke, dust or vapor which will obstruct visibility and adversely affect the operation of aircraft or cause any interference with navigational facilities necessary to aircraft operation.

7. Grantor further agrees that all provisions of the Code will be enforced to ensure that no structures or uses will interfere in any way with the safe operation of aircraft in the Airspace. The parties agree that the determination of whether a proposed development will interfere with the safe operation of aircraft within the Airspace shall be within the sole and absolute discretion of the City.

8. This Agreement shall be binding upon said Grantor and its heirs, assigns, and successors in interest to the Property. The parties further agree that this Agreement shall represent in all respects a covenant which shall run with the land and shall be recorded in the office of the County Recorder of Coconino County, Arizona.

9. The parties acknowledge that the Easement is necessary to ensure the continued and long term viability of the Airport. The parties further acknowledge that the continued viability of the Airport is necessary to promote the health, safety, and general welfare of the public.

10. No modification of this Agreement shall be deemed effective unless in writing and signed by the parties thereto, and any waiver granted shall not be deemed effective except for the instance and in the circumstances particularly specified therein and unless in writing, executed by the party against whom enforcement of the waiver is sought.

11. This Agreement constitutes the entire agreement, whether written or oral, between the parties. Any written or oral understandings, terms or conditions between the parties regarding the Easement not set forth herein shall be deemed to be superseded hereby.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.

The Grantor hereby executes this Agreement on the date set forth above.

GRANTOR

By _____
Its _____

STATE OF ARIZONA)
) SS.
COUNTY OF COCONINO)

On this _____ day of _____, 199____,
before me the undersigned Notary Public personally appeared _____
_____ known to me as the person(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged that _____
_____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official
Seal.

My commission expires: _____

NOTARY PUBLIC

ACCEPTANCE

The City of Flagstaff, Arizona, a municipal corporation, does hereby accept the foregoing grant and easement and the terms and conditions thereof.

IN WITNESS WHEREOF, the City of Flagstaff has caused this acceptance to be executed by its Mayor pursuant to authority granted by its City Council, this _____ day of _____, 199__.

CITY OF FLAGSTAFF

By _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY